

**114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR(F)-614-2022 (O&M)
Date of Decision: 19.7.2022

Sachin

..... Petitioner

Versus

Sarla

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arvind Kashyap, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 2.6.2022 passed by the learned Principal Judge, Family Court, Hisar, whereby maintenance @ Rs.5,000/- per month has been awarded to the respondent-wife.

It has been contended by learned counsel for the petitioner that the learned Family Court has fallen in error in awarding the maintenance. He contends that the respondent-wife had left matrimonial home of her own free will on 8.7.2018. Since then, both the husband and wife are living separately. He submits that the respondent-wife deserted the petitioner-husband without any rhyme and reasons and thus, in view of Section 125 Cr.P.C. she is not entitled for the maintenance as granted by learned Family Court. He further submits that the respondent-wife is earning and she has an income of around Rs.16,000/- per month. He submits that she can very well maintain herself as she has an independent source of income but the learned trial Court has failed to appreciate the same and thus, arrived at a wrong conclusion. He submits that the respondent-wife is a habitual litigant and she has also filed a petition under the Protection of Women from Domestic Violence Act, 2005 and also got registered FIR under Section 498-A IPC

against the petitioner. He submits that in view of the overwhelming evidence on record and the law settled, the view taken by the learned Family Court is unsustainable in the eyes of law and the same deserves to be set aside.

Heard learned counsel for the petitioner and perused the record.

The relationship of the husband and the wife is admitted. The marriage between the petitioner and the respondent took place on 29.11.2017. As the matrimonial discord took place between both of them, they fell apart and started living separately. As the respondent refused to maintain his estranged wife, she filed a petition under Section 125 Cr.P.C. praying for grant of maintenance. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. The petitioner is an able bodied person. As per the law settled by Hon'ble Supreme Court in plethora of judgments, the husband is legally and morally responsible to look after his wife. The precise submission of the learned counsel for the petitioner is that the wife is earning and thus, she is able to maintain herself. This Court rejects the argument raised and find no force in the same. As per the law settled by Hon'ble Supreme Court in case of Rajnesh Vs. Neha, 2021(2) SCC 324, the estranged wife has right of living standard, which she was enjoying while living with the husband. If the wife is earning it cannot operate as a bar from being awarded maintenance by the husband. As per the evidence led, the wife is earning Rs.16,690/- per month, whereas, the petitioner-husband is earning Rs.35,000/- per month. Keeping in view the facts and circumstance of the case and the income of the parties, the learned Family Court has granted the maintenance of Rs.5,000/- per month to the wife. In the overall facts and circumstances, this Court finds no infirmity in

the order passed by the learned Family Court, thus, the petition being devoid of any merit, is hereby dismissed.

19.7.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No