

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CRR (F) 619-2022
Date of decision: 21.07.2022

Sandeep

...Petitioner

Versus

Savita

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Panghal, Advocate for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

Petitioner-husband is before this Court by way of present revision petition challenging order dated 23.05.2022 (Annexure P-1), whereby Family Court, Bhiwani has awarded Rs.6,000/- per month as interim maintenance to the respondent-wife in proceedings under Section 125 of the Code of Criminal Procedure, 1973 (for short “the Code”).

Brief background leading to the filing of the petition is that the petitioner was married to the respondent on 18.06.2018. The couple does not have any child and they have been residing separately since 15.08.2019. Despite sufficient dowry having been given at the time of marriage, the respondent alleges that the petitioner and his family members were not satisfied. They made persistent demand for a car, cash and gold ornaments, which could not be fulfilled, and they turned her out of the matrimonial home within little over a year of marriage. She filed a complaint before the police as well as approached the Family Court by way of petition under Section 125 of the Code claiming monthly maintenance of Rs.40,000/- as she does not have sufficient income to maintain herself. She has averred

that the petitioner owns 16 acres of agricultural land, a thresher machine and is earning Rs.60,000/- per month. She has also claimed that his family has received Rs.1.76 crore as compensation for acquisition of land from the Railway Department. Though, on appearance, the petitioner has contested the financial position as well as the ground for separation and has taken a stand that the respondent refused to stay with the petitioner, even though, the petitioner is willing to take her back. After considering the material, the Family Court vide the impugned order has awarded interim maintenance to the respondent as noticed above.

Heard counsel for the petitioner.

Perusal of the paper book shows that the respondent filed a complaint before the police against the petitioner and his family, wherein during investigation, her statement was recorded on 01.09.2019 (Annexure P-2), which deserves to be noticed and is reproduced as under:-

“Stated that I am the resident of the above said address and a housewife. My marriage was solemnized according to Hindu rites with Sandeep son of Bhalle Ram resident of Mundhal on dated 18.06.2018. No child was born from this wedlock. After sometime of marriage, our relation become soured and my husband use (sic used) to tell me that he is not willing to live with me. So I am residing in my parental home for about 3 months. I don't want to go to my matrimonial home. I want to take divorce through Hon'ble Court. I will be agreed to the decision of Court whatever it be. I am not

seeking any action in this complaint. This is given in presence of my brother, Sandeep and Prem Singh with my consent and without any pressure. Statement is correct.”

It is, therefore, evident that the respondent had not left the matrimonial home of her own, rather, it was the petitioner, who was not ready to live with her. Even though, the petitioner in his statement as well as before this Court has offered his willingness to reside with her, but that alone is not enough to absolve him from his liability to take care of his wife, who is staying with her family. The argument of the petitioner that she is living separately without any sufficient cause, deserves to be turned down.

The parties have not led any evidence regarding their income and assets. On the basis of the admission made by the petitioner, that he owns agricultural land, the Family Court has awarded monthly maintenance of Rs.6,000/- to the respondent, which is justified, and does not warrant any interference in the exercise of revisional jurisdiction by this Court.

Petition is without any merit and is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the petition filed by the respondent under Section 125 of the Code, which will be decided on its merit on the basis of the evidence led by the parties.

(SUVIR SEHGAL)
JUDGE

21.07.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes