

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(126)

CRM-M-31904-2022
Date of Decision: 25.07.2022

Naresh Kumar

--Petitioner

Versus

Kusum Lata

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. S.S. Sandhu, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for setting aside the order dated 21.3.2022 (Annexure P-6) passed by the Sessions Judge, Mansa whereby the revision petition filed by the petitioner-husband against the order dated 14.3.2019 (Annexure P-3) for setting aside the maintenance amount of Rs.4,000/- awarded to the wife under section 125 Cr.P.C enhanced from Rs.4,000/- to Rs.7,000/- per month has been dismissed and in the revision filed by wife the maintenance has been enhanced.

Learned counsel for the petitioner has contended that the learned revisional court has fallen in error in enhancing the maintenance as mentioned above only on the basis of conjectures and surmises. He submits that the respondent wife, though, submitted before the court below that she did not have any independent source of income, however, during the course of cross-examination she admitted being employed as a Lab. Attendant having gross monthly salary without deductions of Rs.9674/- , however, she is getting in-hand salary of Rs.8343/- per month. It is submitted that her basic qualification is B.A and N.T.T. Counsel submits that though this was

the second marriage of the respondent with the petitioner, however, she concealed the fact of having a son from her first marriage. He submits that the respondent wife has an independent residential home and she is living with her grown up son from the previous marriage, however, learned court below has failed to appreciate the same and thus drawn a wrong conclusion.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

From the arguments advanced by counsel for petitioner and perusal of the record, it is clear that the relationship between the husband and wife is not under dispute. The main thrust of the arguments raised by counsel for petitioner is that the respondent wife has an independent source of income. The factum regarding her earning has been appreciated by both the courts below. Even if it is admitted that the respondent wife is earning by working as a Lab. Attendant, the same cannot be a disqualification for grant of the maintenance under section 125 Cr.P.C.

As per the settled proposition of law the provision of Section 125 Cr.P.C is not meant to award punishment, however, the same is to prevent the vagrancy and destitution. Even if it is assumed that the respondent wife has some source of income the same does not absolve the petitioner husband from looking after the estranged wife. The petitioner husband is not only legally but morally also bound to discharge his responsibility for providing maintenance to his wife. The Hon'ble Supreme Court in ***Rajnesh V. Neha, (2021) 2 SCC 324*** has already settled the law.

Thus, weighing the facts and circumstances of the present case on the anvil of the law settled, this court does not find any infirmity in the

view taken by learned courts below. Resultantly, the petition being devoid of any merit is hereby dismissed.

25.07.2022

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No