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

CRR(F)-635-2022

Date of Decision: July 27, 2022

Sube Singh

.....Petitioner

Versus

Sumitra Devi

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.S.P.Yadav, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 07.05.2022 passed by the learned Principal Judge, Family Court, Narnaul, whereby interim maintenance @ Rs.10,000/- 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 petitioner is employed in Boarder Security Force (BSF) as Constable. The marriage in question took place in the year 2012. After the marriage, the respondent-wife did not cooperate and adjust in the family. It is further submitted that due to the service condition of the petitioner, he had to be away from his home. The respondent-wife always pressurised him to take her alongwith him or to leave the job. The petitioner had only two options either to leave the job or to remain at home but it was not possible for him as neither he could take the wife alongwith him at the place of his

posting nor he could leave the job. He submits that the respondent-wife left the matrimonial home of her own and the allegations pertaining to harassment and cruelty are totally false and frivolous. He has submitted that as the respondent-wife left the home without any rhyme and reason, the maintenance granted by the Court below is totally unsustainable in the eyes of law. He submits that earlier the petitioner was giving maintenance of Rs.8,000/- per month, however, the Court has awarded Rs.10,000/- per month which is totally against the evidence on record and hence the order dated 07.05.2022 deserves to be set aside.

Heard learned counsel for the petitioner and perused the record.

Relationship between the petitioner and the respondent-wife is not disputed. Admittedly, the petitioner is employed in BSF and is getting the salary of Rs.60,000/- per month. There is nothing on record that the respondent-wife has left the home without any valid reason. She filed the petition for her maintenance and as the petitioner was not able to attend the Court due to his service conditions, learned Family Court made an interim arrangement by directing the petitioner to pay Rs.8000/- per month till the disposal of the application for interim maintenance. However, keeping in view the evidence produced by the parties, the application for interim maintenance was decided by virtue of impugned order dated 07.05.2022 and the learned Court allowed maintenance of Rs.10,000/- per month. 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 bound to look after his wife. The precise submission of the learned counsel for the petitioner is that the respondent-wife left the matrimonial

home of her own and thus, she is not entitled for any maintenance. However, the allegations levelled by the petitioner are to be proved during the trial of the case by leading evidence. As per the law settled by Hon'ble Supreme Court in case of **Rajnish Vs. Neha**, 2021(2) SCC 324, the husband is legally and morally responsible for maintaining the wife and the children.

Keeping in view the facts and circumstance of the case and the income of the petitioner, the learned Family Court has granted the maintenance of Rs.10,000/- per month to the wife.

In the overall facts and circumstances, this Court finds no infirmity the order passed by the learned Family Court, thus, the petition being devoid of any merit, is hereby dismissed.

July 27, 2022

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No