

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

**CRR(F)-668-2022 (O&M)
Date of decision : 05.08.2022**

Mohinder Singh @ Lara

.....Petitioner

versus

Sumandeep Kaur and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jaswinder Singh, Advocate for
Mr. Davinder Singh Khurana, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Petitioner has approached this Court impugning the order dated 15.12.2021 wherein the learned Family Court, Sirsa has awarded the interim maintenance @ Rs.10,000/- per month to respondent No.1-wife and Rs.10,000/- per month to respondent No.2-minor daughter.

Learned counsel for the petitioner has submitted that the learned Court below has fallen in error in granting total interim maintenance of Rs.20,000/- per month to the respondents. He has submitted that the marriage of the petitioner was solemnized with respondent No.1 on 22.01.2012. He has submitted that after the marriage, respondent No.1-wife did not cooperate with the petitioner in the matrimonial home and thus, a rift occurred and hence, the matrimonial discord took place between them. Petitioner tried his level best for reconciling the matter and the Panchayats were also convened for the same. He submits that the respondent No.1-wife is diploma holder in Mechanical Engineering from Polytechnic College Sirsa and thus, is very well educated. He further submits that the petitioner has the responsibility of his old aged parents as well but learned Family Court failed to

appreciate the same and thus, drawn a wrong conclusion. He submits that in view of the monthly salary of the petitioner, interim maintenance granted is totally unsustainable in the eyes of law and thus, the order deserves to be *set aside*.

Heard.

After hearing counsel for the petitioner and perusing the record, it is apparent that the relationship between the petitioner and the respondent is not in dispute. The petitioner is a able bodied person and employed as a government teacher. Learned Family Court has very well taken into consideration the salary of the petitioner. Besides this, the living standard of respondent No.1 in the light of his income shown has also been taken into consideration. Simply because the wife is an educated is not a ground to absolve the petitioner of his legal responsibilities. As per the settled proposition of the law, provisions of Section 125 Cr.P.C. are for preventing the destitution and vagrancy. These proceedings are summary in nature. The wife is entitled to the same living standard which she was enjoying before the separation from her husband.

Learned Family Court has taken into consideration all the evidence produced and thus, has granted total interim maintenance of Rs.20,000/- per month. In view of the attending facts and circumstances and the law settled by the Hon'ble Supreme Court in Rajnish Vs. Neha, (2021) 2 SCC 324, the petitioner cannot wriggle out of the responsibility of maintaining the respondent-wife. The total amount of Rs.20,000/- per month assessed and granted by the learned Principal Judge, Family Court, Sirsa to respondents No.1 and 2 cannot be said to be an amount on higher side keeping in view the hike in the price of essential commodities.

Weighing the facts and circumstances of the case on the anvil of the law settled, this Court finds no infirmity in the view taken by the Court below. Hence, the petition being devoid of any merits is hereby dismissed.

05.08.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No