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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-679-2022 (O&M)

Date of Decision: August 10, 2022

Vijay Pal Singh

.....Petitioner

Versus

Kusum Lata and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Harmanjeet Singh, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

CRM-28897-2022

Application is allowed, as prayed for.

CRM-28898-2022

For the reasons mentioned in the application, the same is allowed and delay of 52 days in filing the present revision petition is condoned.

CRR(F)-679-2022

Petitioner-husband has approached this Court impugning the order dated 16.03.2022 passed by learned Additional Principal Judge (Family Court), Ambala, wherein it has granted maintenance @ Rs.3,000/- per month to respondent No.1-wife and Rs.3,500/- per month each to petitioner Nos.2 and 3 (minor daughters), from the date of filing of the application till the date of order, (total amounting to Rs.10,000/- per month) and thereafter from the date of the order onwards, Rs.5,000/- per month to the wife and Rs.6,500/- per month each to respondent Nos.2 and 3 (minor daughters), (total amounting to Rs.18,000/- per month) has been granted.

It has been contended by counsel for the petitioner-husband that the learned Family Court has fallen in error in passing the order and granting the maintenance. He submits that petitioner is an ex serviceman and he is getting pension of Rs.28,000/- per month. He has submitted that relationship between the petitioner and the respondent is not disputed. The marriage was solemnized on 20.05.2009. It was a simple marriage and there was no exchange of any dowry etc. However, nature of respondent-wife was adamant and she always used filthy language with her mother-in-law. He submits that the respondent-wife has not come to the Court with clean hands as she has concealed material facts from this Court. He has submitted that both the daughters were born at the Military Hospital which fact has been concealed. He further submits that she made a false and frivolous allegation against the petitioner that he was Court martialled from the Indian Army. He submits that the respondent-wife has extra-marital relations with one Rinku Khan. He submits that before separation, the minors were studying in Military School, Ambala, however, thereafter now despite getting the maintenance from the petitioner, the minors have been admitted in a Government School. He has submitted that the petitioner has filed a petition under Section 9 of the Hindu Marriage Act in the Family Court, however, it was dismissed by the learned Court. He further submits that mother of the petitioner is an old aged woman and the petitioner has the responsibility to look after her as well but the Family Court has failed to appreciate these facts and drawn a wrong conclusion.

After hearing the counsel for the petitioner and perusing the record, it is apparent that the relationship between the petitioner and the respondent-wife is not in dispute. The petitioner is an ex-serviceman and

getting a pension of Rs.28,000/- per month. Besides this, it has also come on record that he is earning a salary of Rs.18,000/- per month. Though he had filed a petition under Section 9 of the Hindu Marriage Act, however, the same was dismissed. There is nothing on record to show that the respondent-wife has an independent source of income. She has the responsibility of looking after her two minor daughters, who are school going. The petitioner is an able bodied person. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. 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 and children. As per the law settled by Hon'ble Supreme Court in case of **Rajesh Vs. Neha**, 2021(2) SCC 324, the wife has a right of same living standard, which she was enjoying while living with the husband.

Keeping in view the facts and circumstance of the case and the income of the petitioner, the maintenance granted by the learned Family cannot be said to be on higher side.

In the overall facts and circumstances of the present case, this Court finds no infirmity in the order passed by the learned Family Court. Resultantly, the present revision petition is dismissed being devoid of any merit.

August 10, 2022
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(RAJESH BHARDWAJ)
JUDGE

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

Yes/No
Yes/No