

CRR(F)-662-2022

Date of decision: 04.08.2022

NEERAJ KUMAR

...PETITIONER

VERSUS

AASHU SHARMA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Himanshu Sharma, Advocate
for the petitioner.

VIVEK PURI, J. (ORAL)

Petitioner has assailed the order dated 11.05.2022 passed by the Court of learned Principal Judge, Family Court, Narnaul vide which interim maintenance @ Rs. 6500/- and Rs.3500/- per month has been awarded in favour of the respondent Nos.1 and 2 respectively.

Learned counsel for the petitioner contends that amount of maintenance has been awarded on the higher side. The petitioner is working as a peon in health department and his net pay is Rs. 22,515/- as per salary slip for the month of March, 2022. Furthermore, the petitioner is making payment to the tune of about Rs. 5,000/- per month towards the premium for LIC policy wherein the sum assured is stated to be Rs. 12,15,000/-. Moreover, respondent No.1 has deserted the petitioner. Respondent No.1 had also submitted a complaint to the police with regard to commission of offence under Section 498-A IPC but no FIR has been registered. The petitioner has instituted a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights. The amount of maintenance awarded is on the higher side.

The relationship between the parties has not been disputed.

Admittedly, the marriage was solemnized on 19.11.2018 and respondent No.2

has been born from the wedlock. The matrimonial dispute has cropped up between the parties and they are living separate from each other. Respondents have instituted a petition under Section 125 Cr.P.C for the enforcement of their claim for maintenance. The petitioner is working as a peon in Health Department and his net pay is to the tune of Rs. 22,515/-. Furthermore, the petitioner is stated to be paying a sum of about Rs.5,000/- per month on account of monthly premium with regard to life insurance policy for a sum of Rs. 12,15,000/-. The purchase of such a policy and contribution of the amount exceeding to Rs. 5,000/- per month as premium speak volumes about the financial status and capabilities of the petitioner. The net pay of the petitioner is Rs.22,515/-. The respondents being wife and minor son aged about 03 years are entitled to claim maintenance which is commensurate with the status and income of the petitioner. The material record does not indicate that the amount of interim maintenance has been awarded on the higher side. Moreover, the allegations as to whether respondent No.1 has deserted the petitioner and not entitled to maintenance are to be adjudicated by the learned Family Court after the parties substantiate the rival allegations with evidence.

No ground is made out to interfere in the order passed by the Court below.

In view of the above, the present petition is dismissed.

04.08.2022
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(VIVEK PURI)
JUDGE

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