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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-691-2022(O&M)

Date of Decision: August 17, 2022

Jagtar Singh

.....Petitioner

Versus

Harbans Kaur

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Harshit Jain, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

CRM-29374-2022

Application is allowed as prayed for.

CRM-29375-2022

For the reasons mentioned in the application, the same is allowed and delay of 20 days in filing the present revision petition is condoned.

Main case

Petitioner-husband has approached this Court impugning the order dated 19.04.2022 passed by learned Principal Judge, Family Court, Sangrur, wherein it has granted interim maintenance @ Rs.3,000/- per month to the respondent-wife from the date of application.

It has been contended by learned counsel for the petitioner that the learned Family Court has fallen in error in granting the interim maintenance to respondent-wife @ Rs.3,000/-p.m. (in total). He submits

that though the relationship between the parties is not in dispute, however

the petitioner has neither neglected the respondent-wife nor refused to maintain her and therefore, he is not liable to pay any monthly allowance. It is further submitted that without any rhyme and reason, the respondent-wife deserted the petitioner and hence, the conclusion arrived at by the learned Family Court is unsustainable in the eyes of law and the same deserves to be quashed.

Heard.

Relationship between the petitioner-husband and respondent-wife is not in dispute. The marriage of petitioner and the respondent took place on 20.02.2017. As per the allegations in the petition, parents of the respondent spent more than Rs.3,00,000/- on the marriage as per demand of the petitioner. The petitioner and his family used to torture the respondent-wife mentally and physically for bringing less dowry and forced her to bring Rs.50,000/- to expand the business of Beauty Parlour. On 17.07.2018, the petitioner and his family members turned her out of the matrimonial home by giving severe beatings and directed her not to return back without Rs.50,000/- and since then she is residing at her parental home. The petitioner intentionally neglected her and refused to maintain her. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. The petitioner is an able bodied man. There is nothing on record to show that the respondent-wife has deserted the petitioner without any rhyme and reason. Besides this, there is no evidence produced so far to show that the petitioner has no independent source of income. As per law, the husband is legally and morally responsible to look after his wife. The Hon'ble Supreme Court in case of **Rajnish Vs. Neha**, 2021(2) SCC 324, has held that 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 Court 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, finding no merit in the petition, the same is hereby dismissed.

August 17, 2022
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(RAJESH BHARDWAJ)
JUDGE

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

Yes/No
Yes/No