

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

118

CRR(F)-397-2021

Date of decision :-31.03.2022.

Devesh Kalra

...Petitioner

Versus

Komal and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Baldev Singh Sodhi, Advocate for the petitioner.

**SUVIR SEHGAL, J.**

Instant revision petition has been filed challenging the order dated 16.03.2021, whereby Family Court, Rohtak has awarded interim maintenance of Rs.8,000/- to the respondents i.e. Rs.6,000/- to respondent No.1 and Rs.2,000/- to respondent No.2, besides litigation expenses of Rs.11,000/- from the date of filing of the application under Section 125 of the Code of Criminal Procedure, 1973, (for short – “the Code”), subject to adjustment of maintenance awarded to them in any other proceedings.

Heard counsel for the parties.

There is no dispute about the marital ties between the petitioner and respondent No.1. Their marriage was solemnized on 02.05.2014 and a daughter-respondent No.2, who is a minor was born out of the wedlock on 20.12.2015. The daughter-respondent No.2 is in the custody of respondent No.1 and both of them are residing separately from the petitioner, who is a Government servant.

The parties are at variance regarding the reason for their separation. Whereas according to the petitioner, respondent No.1 was not ready to stay with her aged mother-in-law, on the other hand, the stand of respondent No.1 is that she was repeatedly assaulted, tortured and tormented on account of

demands of dowry despite the fact that her parents had spent a huge amount and given expensive gifts at the time of marriage and birth of the daughter.

Although the petitioner has claimed that respondent No.1 is highly educated, possesses B.Ed. and MBA degrees, but there is nothing on the record to show that she is in service or is getting income from any source. Rather the pleadings show that respondent No.1 is staying in a rented accommodation at Rohtak, is paying monthly rent of Rs.5000/- and is totally dependent upon her widowed mother as well as brother to meet her day-to-day expenses. The petitioner on the other hand is employed with the Government and is drawing a gross salary of Rs.43,551/-. The petitioner is the head of the family and it is his moral responsibility as well as obligation to take care of his wife and minor child, more particularly when they are separate in residence and have no source of income.

Keeping in view the objective behind the insertion of Section 125 of the Code, this Court is of the view that the award of consolidated interim monthly maintenance of Rs.8,000/- in favour of the respondents is not excessive.

In view of the above discussion, this Court is of the opinion that there is no illegality or impropriety in the order passed by the Family Court, Rohtak.

Petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.03.2022  
*sheetal*

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |