

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(111)

CRR(F)-748-2022(O&M)
Date of Decision: 29.08.2022

Harpreet Singh

--Petitioner

Versus

Guntaj Kaur

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. A.S. Saini, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The petitioner has approached this court by way of filing present petition impugning the order dated 25.5.2022 passed by the learned Principal Judge, Family Court, Camp Malout, whereby application filed for interim maintenance in a petition filed under section 125 Cr.P.C has been allowed and interim maintenance @ Rs.2500/- per month has been granted to the respondent minor daughter of the petitioner from the date of application.

Learned counsel for the petitioner contends that learned Family Court has fallen in error in granting the maintenance of Rs.2500/- per month to the respondent minor. He submits that the marriage of the petitioner took place with Rupinder Kaur i.e. mother of the respondent on 25.11.2015. Thereafter, they were blessed with the respondent daughter. Counsel submits that petitioner is working as a temporary employee i.e. as ASM in Punjab Land Record Society at Khuian Server, district Fazilka and is earning only Rs.34,250/- per month. He submits that mother of the respondent is a Primary Teacher in Department of School Education, Punjab and she is earning almost double the salary of the petitioner i.e.

Rs.60,000/- per month, however, learned Family Court has failed to appreciate the same and thus drawn a wrong conclusion. He submits that the petitioner has aged parents and he has the responsibility to look after them and thus the view taken by the learned Family Court is totally against the evidence on record and hence deserves to be set aside.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

It is apparent from the record that the relationship between the petitioner and respondent is not in dispute. She is the minor daughter of the petitioner, who has knocked the door of the court for granting maintenance by way of filing a petition under section 125 Cr.P.C. The precise submission made before this court by the counsel for the petitioner is that the mother of the respondent is a Govt. Teacher and is earning a salary of about Rs.60,000/- per month, whereas the petitioner is working on temporary basis and is employed as an Assistant System Manager. He submits that the wife has a permanent job and she is earning a handsome salary, whereas the petitioner has been burdened with an interim maintenance of Rs.2500/- per month for his minor daughter. There is no dispute that the mother of the respondent is a well educated lady and is earning a good salary, however, the petitioner is father of the respondent. He cannot be allowed to raise the arguments of shifting his responsibility towards the child on the shoulder of the mother simply because she is well educated and getting a good salary. The learned Family Court has applied its judicious mind while awarding the maintenance only @ Rs.2500/- per month.

In plethora of judgements, it has been held by the Hon'ble Supreme Court that the husband is not only legally but morally also bound to discharge his responsibility for providing maintenance to his wife and children as well. The Hon'ble Supreme Court in ***Rajnish V. Neha, (2021) 2 SCC 324*** has already settled the law. The petitioner is an able bodied person and cannot escape the responsibility of providing maintenance to his own minor daughter. Learned Family Court has awarded a maintenance of Rs.2500/- per month to the respondent daughter keeping in view all the facts and circumstances as also the documents placed on record.

This court finds no infirmity in the conclusion arrived at by the learned Family Court. The interim maintenance of Rs.2500/- per month granted to the respondent daughter cannot be said to be on the higher side. The petition being hopelessly without any merit, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

29.08.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No