

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

CRR(F)-507-2019

Date of Decision: 13.05.2022

Vijay Kumar

..... Petitioner

Versus

Anju

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhimanyu Kalsy, Advocate, for
Mr. Virender Soni, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court impugning the order dated 01.05.2019, passed by the learned Family Court, Hisar, whereby the respondent-wife has been granted interim maintenance of Rs.10,000/- per month.

Learned counsel for the petitioner has submitted that the learned Family Court has fallen in error in directing the petitioner to pay the interim maintenance of Rs.10,000/- per month to the respondent-wife. He submits that the respondent-wife was habitual in leaving the matrimonial home and she never adjusted with the petitioner-husband. He submits that she deserted the matrimonial home of her own will, thus, she is not entitled for maintenance as prayed for. He submits that she not even shunted out the petitioner's parents from their house, but also illegally occupied the house as well as the agricultural land of the father of the petitioner, for which his father has filed a suit for declaration with consequential relief of permanent injunction. He submits that the petitioner has the responsibility of his old aged parents and has to pay monthly installments of Rs.12,633/- on account of personal loan, but the learned Family Court has failed to appreciate the same and, thus, has arrived at a wrong conclusion in

granting interim maintenance of Rs.10,000/- per month to the respondent-wife, which deserves to be set aside.

Heard.

It is apparent from the arguments raised by the learned counsel for the petitioner, and on perusal of the record of the case, that the impugned order under challenge pertains to the interim maintenance granted to the respondent-wife, which was granted way back on 01.05.2019. The marriage of the petitioner was solemnized with the respondent-wife on 11.02.2008. As per the contentions of respondent-wife, the petitioner-husband is employed as JBT Teacher and getting a handsome salary of Rs.60,000/- per month. The learned Family Court has taken into consideration the facts and circumstances of the case and the relevant record of the case. In view of the same, the interim maintenance of Rs.10,000/- granted, in the opinion of this Court suffers from no illegality. The petitioner is an able bodied man. The respondent-wife, even if well qualified, is not dis-entitled from claiming her legal maintenance. The provisions of maintenance under Section 125 of Cr.P.C, and as per the law settled by the Hon'ble Apex Court, is to prevent the destitution and vagrancy. In the overall facts and circumstances, this Court finds no merit in the present petition and the same is, hereby, dismissed.

13.05.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No