

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

CRR(F)-754-2022

Date of Decision: 30.08.2022

Dr. Vinay Kumar

..... Petitioner

Versus

Dr. Jiwanjot Chauhan and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Liaqat Ali, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 14.7.2022 passed by the learned Principal Judge, Family Court, Bathinda, whereby maintenance @ Rs.10,000/- per month has been awarded to respondent No.2-minor.

It has been contended by learned counsel for the petitioner that the petitioner was married to respondent No.1 on 24.09.2017. Soon after marriage respondent No.1 started pressurizing the petitioner to live separately from his parents, whereas, the petitioner is the only son of his parents and there is no one to look after his old aged parents. The mother of the petitioner expired during Covid-19. He submits that both the petitioner and respondent No.1 are Doctors by profession. He submits that most of the times respondent No.1 is living in Bathinda because she is posted as Medical Officer there. Due to this, the petitioner and respondent No.1 are living separately. Respondent No.1 filed a petition under Section 125 Cr.P.C. for grant of maintenance, but the learned Family Court without appreciating the facts and circumstances of the case and evidence on record drawn wrong conclusion in granting maintenance @ Rs.10,000/- per month to respondent No.2. He submits that gross salary of the petitioner is

Rs.84,192/- per month and after deduction the net salary is Rs.75,177/- per month. The petitioner is also paying EMI of Rs.38,061/-. Besides this he is also paying premium of LIC policy. He submits that respondent No.2 is only about four years of age and hence, the expenses incurred on her have been assessed to be on higher side and thus, the maintenance awarded @ Rs.10,000/- per month is against the facts on record. He has submitted that keeping in view the evidence on record, the view taken by the learned Family Court for granting maintenance @ Rs.10,000/- per month is totally unsustainable in the eyes of law and thus, deserves to be set aside.

Heard.

The relationship between the petitioner and respondent No.1-wife is not in dispute. Both the petitioner and respondent No.1 are Doctors by profession and thus, are well educated and very well placed citizens. The petitioner has already disclosed his income by appending the salary slip on record. The contentions raised by learned counsel for the petitioner that he is paying EMI for loan and premium of LIC policy is not sufficient enough to discharge him from his responsibilities towards his child. Admittedly, the petitioner is the father of respondent No.2 and by no stretch of imagination, he could be absolved of his legal and moral responsibilities towards his family. The petitioner is an able bodied person and very well educated and Doctor by profession. Even if the father is not earning even then he is bound to look after his family. The life of the child cannot be compromised by the technicalities pointed out by learned counsel for the petitioner in his arguments. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. As per the law settled by Hon'ble Supreme Court in plethora of judgments, the husband is legally and morally responsible to

look after his wife and child. As per the law settled by Hon'ble Supreme Court in case of Rajnesh Vs. Neha, 2021(2) SCC 324, held that the living expenses of the child would include expenses for food, clothing, residence, medical expenses etc. Admittedly, the petitioner is earning Rs.75,177/- per month. Keeping in view the facts and circumstance of the case and the income of the petitioner, the learned Family Court has granted the maintenance of Rs.10,000/- per month to respondent No.2-minor, which in any case cannot be said to be on higher side. In the overall facts and circumstances, this Court finds no infirmity in the order passed by the learned Family Court, thus, the petition being devoid of any merit, is hereby dismissed.

30.08.2022
sharmila

	(RAJESH BHARDWAJ)
	JUDGE
Whether Speaking/Reasoned	: Yes/No
Whether Reportable	: Yes/Nos