

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

CRR(F)-789-2022

Date of decision : 05.09.2022

Pawan Kumar

.....Petitioner

versus

Usha Rani and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Dhanpat Rai Singla, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Petitioner has approached this Court impugning the order dated 22.07.2022 wherein the Family Court has allowed the interim maintenance @ Rs.2,500/- per month to respondent No.1-wife, Rs.2,500/- per month to respondent No.2-daughter and Rs.2,000/- per month to respondent No.3-son of the petitioner.

Learned counsel for the petitioner has submitted that learned Family Court has drawn a wrong conclusion in granting maintenance to the respondents as aforementioned. He has submitted that respondents No.2 and 3 are major and they were not entitled for the maintenance. He submits that the petitioner had constructed a house and after constructing the same, the petitioner was not allowed to enter the house. He submits that the petitioner is employed on contractual basis and is earning salary of Rs.16,114/- per month. He submits that respondent No.1 is gainfully employed as she is doing stitching and knitting work and earning Rs.24,000/- per month and hence, interim maintenance granted is unsustainable in the eyes of law and the same deserves to be *set aside*.

I have heard counsel for the petitioner and perused the record.

As per the submissions made by counsel for the petitioner and from perusal of the record of the case, it is apparent that the relationship

between the petitioner and the respondents is not in dispute. The petitioner is employed as a Driver in PRTC Depot, Bathinda. The respondent-wife had levelled the allegations of illicit relation of the petitioner with one lady namely, Baljit Kaur and on account of the same, the petitioner and the respondents started living separately. The precise submission made by counsel for the petitioner regarding maintenance to the respondents is that the wife is earning and respondents No.2 and 3 are major. There is nothing on record to show that the respondent-wife and daughter are gainfully employed. The impugned order pertains to the interim maintenance. The veracity of the contentions would be assessed by the trial Court at the time of final decision of the petition. However, the Court is not oblivious of the fact that the petitioner being an able bodied person and husband of respondent No.1, is legally and morally bound to look after his wife and children. The provisions of Section 125 Cr.P.C. are to prevent the destitution and vagrancy. The wife is entitled to the same living standard which she was enjoying before the separation from his husband.

Keeping in view the facts and circumstances of the case on the anvil of the law settled, this Court finds no infirmity in the view taken by the Court below. Hence, the petition being devoid of any merits is hereby dismissed.

05.09.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No