

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

**CRR(F)-774-2022 (O&M)**  
Date of Decision: 01.09.2022

Jitender

..... Petitioner

Versus

Renu

.....Respondent

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

Present: Mr. Chanakya Pandit, Advocate, for the petitioner.

**Rajesh Bhardwaj, J.**

**CRM-32172-2022**

This is an application for condonation of delay of 92 days in filing the present revision petition.

It has been submitted by learned counsel for the applicant-petitioner that the parents of the counsel for the petitioner before the trial Court were hospitalized during this period and subsequently, the father of the counsel died on 16.5.2022 and mother was hospitalized due to the ongoing trauma in the family of the counsel. There occurred a delay of 92 days, which is totally bona fide and not intentional. He has submitted that the accompanying revision is likely to succeed and the petitioner would suffer irreparable loss and injury, if the same is not condoned.

For the reasons mentioned in the application, the same is allowed. Delay of 92 days in filing the revision petition is condoned.

**Main case**

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 20.12.2021 passed by the learned Additional Principal Judge, Family Court, Bhiwani, whereby

maintenance @ Rs.20,000/- per month to the respondent-wife has been awarded.

Learned counsel for the petitioner submits that the learned Family Court has fallen in error in drawing the conclusion of granting the maintenance to the wife as aforesaid. He submits that the petitioner was married to the respondent on 24.1.2015. The petitioner tried his level best to make their matrimonial life a comfortable one, however, the respondent-wife never cooperated and thus, the matrimonial discord took place between them. He submits that the petitioner and his father have extended huge loan to the uncle and father of respondent-wife to the tune of Rs.12 lacs and 18 lacs, respectively. However, they failed to repay the same and thus, arose a litigation under Section 138 of the Negotiable Instruments Act and finally this led to the conviction of the uncle of the respondent vide order dated 25.4.2022. It is on account of respondent and her family, the petitioner suffered a huge financial loss. He submits that the income of the petitioner has been taken to be Rs.60,000/- per month by the learned Family Court, however, keeping in view the income tax returns of the petitioner, the conclusion drawn by the learned Family Court in assessing the income of the petitioner as Rs.60,000/- per month is totally perverse. He submits that in the facts and circumstances, it is apparent that the view taken by the learned Family Court is totally beyond the evidence on record and thus, deserves to be set aside.

Heard.

The relationship between the petitioner-husband and the respondent-wife is not in dispute. During the proceedings before the learned Family Court, the respondent appeared as PW-1 and her mother appeared as

PW-2 and both have duly supported the contentions made in the application filed under Section 125 Cr.P.C. The petitioner has also filed a divorce petition for dissolution of marriage with the respondent-wife. As per the affidavit filed by the petitioner in the divorce petition filed by him, the petitioner has admitted his income to be Rs.7 lacs per year. As per the income tax returns and on the perusal of the overall documents on record as cumulative effect, the income of the petitioner had been assessed @ Rs.60,000/- per month, out of which respondent-wife has been awarded the maintenance of Rs.20,000/- per month i.e. the 1/3<sup>rd</sup> of the assessed income of the petitioner. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. The petitioner is an able bodied person. 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. As per the law settled by Hon'ble Supreme Court in case of Rajnesh Vs. Neha, 2021(2) SCC 324, the estranged wife has right of living standard, which she was enjoying while living with the husband. The petitioner-husband is earning Rs.60,000/- 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.20,000/- per month, 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.

01.09.2022  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE  
: Yes/No  
: Yes/Nos