

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

**CRR-(F)-821-2022 (O&M)
Date of decision : 13.09.2022**

Vishav Pal

.....Petitioner

versus

Mahi through her mother Smt. Anita @ Mamta Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Himanshu Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

CRM-34051-2022

This is an application for condonation of delay of 6 days in filing the appeal.

For the reasons mentioned in the application, delay of 6 days in filing the revision is condoned.

Application stands allowed.

CRR(F)-821-2022

Petitioner has approached this Court impugning the order dated 27th May, 2022 wherein, learned Family Court has granted the maintenance to the respondent-minor @ Rs.4,000/- per month.

It has been contended by counsel for the petitioner that the learned Family Court has fallen in error in drawing the conclusion by awarding the aforesaid maintenance to the minor ignoring the evidence on record. He has submitted that the marriage of the petitioner was solemnized with mother of the respondent on 23.01.2011 and out of the wedlock, the respondent was born on 17.04.2016. He has submitted that the mother of the respondent is employed as Teacher in Delhi as she is very well educated and is earning handsome salary of Rs.1,25,000/- per month. He has submitted that

learned Family Court has not taken into consideration the affidavit filed by mother of the respondent that she is getting the salary of Rs.85,000/- per month. However, the petitioner is not much educated and he is plying the Taxi and his income is also less than the wife. He has also submitted that the petitioner has undergone by-pass surgery and on that account, he is not in a position to earn due to his health condition. He has submitted that mother of the respondent has left the matrimonial home without any rhyme and reason and hence, the petitioner is not liable to pay the maintenance as awarded by learned Family Court. He has submitted that as per law settled, father and mother both are liable to share maintenance granted to the minor. He submits that in the facts and circumstances of the case, learned Family Court has fallen in error in awarding the maintenance which deserves to be *set aside*.

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

The relationship between the petitioner and the respondent is not under dispute. The respondent is the minor daughter of the petitioner. The precise submissions made by counsel for the petitioner is regarding the wife being well-educated and earning handsome salary. Admittedly, petitioner is the father of the respondent-minor and he is not only legally but morally also bound to maintain the wife as well as the minor. Simply because the wife is educated and earning handsome salary is no ground to exempt the father from his legal responsibility. The Court cannot turn blind-eye towards the future of the minor. Learned Family Court has taken into consideration all the facts and circumstances of the case and has awarded the interim maintenance only to the tune of Rs.4,000/- per month to be paid by the petitioner. Admittedly, the respondent is being looked after by the mother who is taking care of the minor in all respects. Thus, the maintenance

granted @ Rs.4,000/- per month by no stretch of imagination can be termed as unreasonable. Resultantly, the petition being devoid of any merits is hereby dismissed.

13.09.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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