

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-890-2022 (O&M)
Date of decision : 29.10.2022

Saral Kishore Sharma

..... Petitioner

versus

Kailash Chand Sharma and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikram Brar, Advocate
Mr. Vishvjeet Beniwal, Advocate and
Ms. Arushi Lamba, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

Present petition has been filed by a son assailing the order passed by Family Court, Faridabad whereby he has been assigned with the liability to pay ₹3500/- per month to his 79 years old father.

2. Application under Section 125 Cr.P.C. was filed by respondent No.1 claiming that he being in old stage of his life needs money to maintain himself, but his three sons who were arraigned as respondents have failed to maintain him. Not only this, he alleged abuses at the hands of families of his sons. Unfortunately, the petition was contested tooth and nail by the sons. After trial, Family Court found that keeping in view the fact that the applicant/respondent No.1 was ailing and was in the evening of his life deserves to be maintained by his sons. While ascertaining the maintenance, Family Court fixed the maintenance amount to be ₹10,000/- per month and directed the petitioner as well as respondent No.3 to pay an amount of ₹3500/- each and respondent No.2 was saddled with the liability to pay ₹3,000/- per month.

3. Counsel for the petitioner submits that the order is discriminatory apart from the fact that the maintenance amount fixed by the Family Court is on the higher side. It has been asserted that the petitioner has his own family to maintain as well and thus it will not be possible for him to shell out an amount of ₹3,500/- per month keeping in view that he is earning around ₹13,000/- per month.

4. I have heard counsel for the petitioner and have gone through the records of the case.

5. Trial Court while ascertaining the maintenance amount has gone through the evidence on record and has rightly held that the petitioner who claims to be working as Executive with RBM Industries, Unit-II Faridabad cannot be said to be earning a salary of ₹12,313/- per month only. Moreover, the Court can take judicial notice of the fact that even as per the minimum wages notified by the State of Haryana for this year, the highly skilled labour is entitled to get ₹13,073/- per month. Thus, the plea raised by petitioner of drawing salary of ₹12,313/- per month despite having been employed as Executive cannot be believed and is consequently rejected.

6. Resultantly, this Court finds no merit in the present petition. There is no infirmity in the order passed by the trial Court.

7. Consequently, the present revision petition is dismissed being without merits.

8. Since the main case has been decided, pending miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

29.10.2022

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Whether speaking/reasoned
Whether Reportable :

Yes
No