

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

CRR(F)-452-2021

Date of Decision: 18.10.2022

Happy Gaur

..... Petitioner

Versus

Renu

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sunny K. Singla, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The present revision has been filed by the petitioner assailing the order dated 22.3.2021, passed by the learned Principal Judge, Family Court, Jind, whereby, interim maintenance @ Rs.5,000/- per month has been awarded to the respondent-wife.

It has been contended by learned counsel for the petitioner that the respondent-wife is B-tech in electronics from Kurukshetra University and she is doing a job. He has submitted that respondent-wife is earning handsome salary of Rs.50,000/- per month since 5.5.2018. He has submitted that the respondent-wife left the matrimonial home without any sufficient reason and filed petition under Section 125 Cr.P.C. praying for grant of maintenance. He has submitted that in view of Section 125(4) Cr.P.C., as the respondent-wife left the matrimonial home at her own will, she is not entitled for the maintenance as awarded by the learned Family Court. He has further submitted that the petitioner has income of Rs.17,005/- per month, whereas, the respondent-wife is drawing a salary of Rs.50,000/- per month, which is much higher and hence, in view of the law settled by Hon'ble Supreme Court in case of Rajesh Vs. Neha, 2021(2) SCC 324, the view taken by the learned trial Court is unsustainable in the eyes of law.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that the relationship between the petitioner-husband and respondent-wife is not in dispute. The precise submission of the petitioner that the wife is very well educated and is drawing handsome salary. In the plethora of judgments, it has been held by the Hon'ble Supreme Court that that the husband, who is an able bodied person, cannot be absolved of the responsibilities of maintaining his wife and children. There is nothing in record to show that the petitioner is not an able bodied person. The wife being educated and employed, cannot be a ground for her disqualification for the entitlement of the maintenance. 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 children. As per the law settled by Hon'ble Supreme Court in case of Rajnesh Vs. Neha, 2021(2) SCC 324, held that the wife is entitled to the same living standard which she was enjoying while residing with the husband. 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.5,000/- per month to the respondent-wife, 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.

18.10.2022

sharmila

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