

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(129)**

CRR(F)-494-2021

Date of decision:- 24.03.2022

Dr. Amrit Pal Singh

... Petitioner

Versus

Harpreet Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. D.S.Nigha, Advocate for the petitioner.

...

SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

Challenge in the instant revision petition filed under Section 401 read with 397 of the Code of Criminal Procedure, 1973 (for short “the Code”) is to order dated 06.09.2021, whereby Family Court, Kurukshetra has awarded interim maintenance allowance of Rs.12,000/- to the respondents, i.e., Rs.8,000/- to respondent No.1 and Rs.4,000/- to respondent No.2, besides litigation expenses of Rs.5,500/- from the date of filing the application under Section 125 of the Code subject to adjustment of other maintenance awarded to them in any other proceedings.

Heard counsel for the petitioner.

The admitted position is that the marriage of the petitioner was solemnized with respondent No.1 on 12.02.2017 and a son, respondent No.2, who is a minor, was born out of the wedlock. He is in the custody of respondent No.1. The respondents are residing separately from the

petitioner, who is a government servant. Both parties are at variance regarding the reason for their separation, however, the same is not required to be gone into at this stage because the parties are yet to lead evidence on their respective stand. It may also be observed that there is no material available at this stage to come to the conclusion that the petitioner is earning Rs.1,50,000/- and has income beyond his salary and that he has old parents and sisters to take care of besides payment of loan installments. Similarly, the Court also does not possess any material, nor does it intend to go into the averment of the petitioner that his wife-respondent No.1 is an educated lady and earns Rs.20,000/- from private tuitions.

Affidavits of assets, income and expenditure have been filed by both the parties before the Family Court and after examining the same, the Family Court has come to the conclusion that respondent No.1 does not have any source of income, whereas the petitioner, who is working as Ayurvedic Medical Officer in Civil Hospital, Ambala Cantt., is drawing a monthly salary of Rs.52,000/-, approximately. The petitioner is the head of the family and it is his moral responsibility as well as his obligation to take care of his wife and minor child, more so, when he is apparently a man of means and has sufficient income to support them, whereas, the wife is probably not earning anything and is dependent upon her parents for meeting her day to day expenses.

Keeping in view the objective behind the incorporation of Section 125 of the Code, this Court is of the view that the award of consolidated interim monthly maintenance of Rs.12,000/- in favour of the respondents is not excessive.

In view of the above discussion, this Court is of the opinion that there is no illegality or impropriety in the impugned order.

Petition is dismissed.

Any observation made hereinabove shall not bind the Family Court, which shall decided the main application filed under Section 125 of the Code, by applying its independent and judicious mind to the material and evidence adduced before it.

24.03.2022
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No