

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

CRR(F)-982-2022

Date of Decision: 18.10.2022

Sahil Rohilla

..... Petitioner

Versus

Lalita Rohilla and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sunny Piplani, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The present revision has been filed by the petitioner assailing the order dated 15.9.2022, passed by the learned Principal Judge, Family Court, Rohtak, whereby, interim maintenance @ Rs.4,000/- per month to the wife and Rs.2,500/- per month to the minor, has been awarded.

It has been contended by learned counsel for the petitioner that the petitioner was married with respondent No.1 on 14.2.2014 as per Hindu Rites and Ceremonies. He submits that the respondent-wife is a short tempered and quarrelsome lady and hence, she intentionally did not settle in the matrimonial home. He submits that the respondent-wife left the company of the petitioner voluntarily with minor in the year 2019 without any rhyme and reason. He submits that thereafter, she lodged an FIR against the petitioner bearing FIR No.76, dated 6.9.2019, registered under Section 323, 34, 406, 498-A and 506 IPC at Mahila Thana. He has submitted that the respondent-wife is a habitual litigant and has filed multiple litigations against the petitioner and his family members only to harass them. He has submitted that thereafter, she filed the present petition under Section 125 Cr.P.C. praying for grant of maintenance on the basis of false and frivolous grounds. He has submitted that the petitioner had submitted his affidavit

giving details of his assets and liabilities, wherein he disclosed about his income. He has submitted that learned Family Court has fallen in error in computing income of the petitioner as Rs.16,000/- per month, which is totally against the evidence on record. He has submitted that the petitioner has income of Rs.10,000/- per month and thus, the maintenance granted of Rs.6,500/- per month in total is unsustainable in the eyes of law. He has submitted that the respondent-wife has left the matrimonial home without any sufficient reason and thus, as per Section 125 (4) Cr.P.C., she is not entitled for the maintenance under Section 125 Cr.P.C. He has submitted that in view of the facts and circumstance of the case, the view taken by the learned Family Court deserves to be set aside.

Heard.

The relationship between the husband and wife is not disputed. The precise submission of learned counsel for the petitioner that the petitioner has left the matrimonial home without any sufficient reason, however, there is nothing on record to show that the respondent-wife, who has the responsibility of the minor as well, has deserted the petitioner without any sufficient reason. The respondent-wife is rather dependent on the income of the petitioner. The learned Family Court has taken into consideration the evidence produced in support of the income of the petitioner and thus, has taken the same as Rs.16,000/- per month. Even if the income of the petitioner is less than what has been taken by the Court, then also the petitioner cannot be absolved of legal and moral responsibilities towards his wife and minor. The maintenance assailed is interim and the Court cannot be oblivious of the fact that the wife and the minor have to survive. The petitioner is an able bodied person. Even if the

man is not earning, even then he is bound to look after his family. The life of the child cannot be compromised by the technicalities pointed out by learned counsel for the petitioner in his arguments. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. As per the law settled by Hon'ble Supreme Court in Rajnesh Vs. Neha, 2021(2) SCC 324, the husband is legally and morally responsible to look after his wife and child. Keeping in view the facts and circumstances of the case and the income of the petitioner, the learned Family Court has granted the maintenance of Rs.6,500/- per month to the respondents, 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