

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

CRM-M-42279-2019

Date of Decision: 13.5.2022

Satender Singh

..... Petitioner

Versus

Smt. Sarita and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Wazir Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court praying for quashing of impugned order dated 10.1.2018 passed by the learned Additional Chief Judicial Magistrate, Panipat granting maintenance to the respondents (wife and minor) to the tune of Rs.2,000/- per month each i.e. Rs.4,000/- in total as well as order dated 25.7.2019 passed by the learned Sessions Judge, Panipat upholding the order 10.1.2018.

It has been contended by learned counsel for the petitioner that both the Courts below have fallen in error in granting the maintenance of Rs.2,000/- per month each of the respondents i.e. the wife and minor. Learned counsel for the petitioner submits that the respondent-wife herself left the matrimonial home with her own sweet will. He has submitted that the wife has deserted the matrimonial home by her own and is living with some other boy and hence, she is not entitled for the maintenance under Section 125 Cr.P.C. He further submits that she has concealed the fact that she is earning about Rs.20,000/- per month from the tailoring business but the same has not been taken into consideration by the learned Family Court, this had drawn a wrong conclusion granting maintenance.

Heard learned counsel for the petitioner and perused the record.

It is apparent from the arguments raised by learned counsel for the petitioner and perusal of the record that there are concurrent findings against the petitioner. The relationship between the petitioner and the respondent-wife is an admitted fact. There is nothing on record pertaining to earning of the wife and her adulterous relationship as contended. Both the Courts below have duly appreciated the evidence on record and thus, in the facts and circumstance had taken income of the petitioner to be Rs.12,000/- per month and keeping in view the same, maintenance of Rs.2,000/- per month to each of the respondents, has been awarded. The petitioner is an able bodied person and the conclusion arrived at by the Courts below by their concurrent findings in assessing the income and granting maintenance to the respondents, is in accordance with law settled. In the attending facts and circumstances and on the anvil of law settled, no ground for interference in the orders passed by both the Court below is called for.

In the overall facts and circumstances, this Court finds no infirmity in the orders dated 10.1.2018 and 25.7.2019, thus, the petition being devoid of any merit, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

13.5.2022
sharmila

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