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

CRR-(F)-533-2021(O&M)

Date of Decision: October 17, 2022

Ramandeep Singh

.....Petitioner

Versus

Ramandeep Kaur

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.L.S.Sidhu, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

This revision petition has been filed impugning the order dated 20.11.2021 passed by learned Principal Judge, Family Court, Sirsa, whereby learned Family Court has granted the interim maintenance of Rs.10,000/- per month to the respondent/wife.

It has been contended by counsel for the petitioner that marriage of the petitioner was solemnized with the respondent on 31.03.2014. However, no child was born out of the wedlock. He submits that due to the temperamental differences between both of them, they could not pull on their married life and thus, there arose a matrimonial discord. The petitioner convened panchayats many times for resolving the dispute amicably but to no avail. Thereafter, the respondent/wife lodged a criminal case under Sections 498-A and 406 IPC against the petitioner and his family members on the basis of false and frivolous allegations. As the efforts for reconciliation failed, the petitioner filed a petition under Section 13 of the Hindu Marriage Act for dissolving the marriage by a decree of divorce. He has submitted that in order to humiliate the petitioner, the respondent/wife

filed a petition under Section 125 Cr.P.C. claiming maintenance to the tune of Rs.40,000/- per month. The petitioner filed an affidavit clearly showing that he has no source of income and rather he is dependent on the income of his mother, who is 65 years of age. He has submitted that learned Family Court has granted the maintenance @ Rs.10,000/-per month without taking into consideration the facts and circumstances and the evidence on record. He has submitted that the petitioner is not at fault and it was the respondent/wife who left the matrimonial home without any rhyme and reason and thus, she is not entitled for maintenance under Section 125 Cr.P.C. He has submitted that the respondent-wife has failed to adduce any documentary evidence proving the income of the petitioner but has merely contended that the income of the petitioner is Rs.18 lakhs to Rs.20 lakhs per annum. He has submitted that the petitioner is only 10+2 pass whereas the respondent/wife is M.Sc in Fashion designing and she is earning more than Rs.20,000/- per month but the learned Family Court has failed to appreciate the same and thus drawn a wrong conclusion. He submits that the respondent/wife has left the matrimonial home with her own sweet will and once it is established that the wife has deserted the matrimonial home without any sufficient reason, she would not be entitled for claiming the maintenance. He has submitted that in view of the law settled, the conclusion arrived at by the learned Family Court in awarding the interim maintenance @ Rs.10,000/- per month is totally unsustainable in the eyes of law.

Heard.

Relationship is not in dispute. The precise submission of the

counsel for the petitioner is that the wife is very well qualified and earning

Rs.20,000/- per month. He has further submitted that the wife has left the matrimonial home without any sufficient reason. However, there is nothing on record to show that the wife has left the matrimonial home without any rhyme and reason. The petitioner has approached this Court impugning the order dated 20.11.2021, by virtue of which the Family Court had granted the interim maintenance. The main case is pending adjudication before the learned Family Court and both the parties would lead their respective evidence to prove their contentions finally. The wife is well educated and earning is no ground to disentitle her from claiming the maintenance. The petitioner is an able bodied person. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. As per law settled by Hon'ble Supreme Court in plethora of judgments, even if petitioner is not earning anything, then also he cannot be absolved from the responsibility of his wife. It has been held by Hon'ble Supreme Court in case of **Rajnish Vs. Neha**, 2021(2) SCC 324, that the wife has a right of same living standard, which she was enjoying while living with the husband.

Keeping in view the facts and circumstance of the case and the income of the petitioner, the interim maintenance granted by the learned Family Court cannot be said to be on higher side.

In the overall facts and circumstances of the present case, this Court finds no infirmity in the order passed by the learned Family Court. Resultantly, the revision petition is being devoid of any merit is hereby dismissed.

October 17, 2022
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(**RAJESH BHARDWAJ**)
JUDGE

1. **Whether speaking/reasoned ?**
2. **Whether reportable ?**

Yes/No
Yes/No