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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-1363-2022

Date of Decision: December 23, 2022

Puneet Bedi

.....Petitioner

Versus

Smt.Sonam Gandhi and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.D.D.Sharma, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.

Instant revision petition has been filed impugning the order dated 01.10.2022 vide which learned Family Court has declined the maintenance to respondent No.1/wife and the minor has been granted interim maintenance @ Rs.15,000/- per month.

It has been contended by counsel for the petitioner that the learned Family Court has fallen in error in granting interim maintenance to respondent No.2/minor @ Rs.15,000/- per month. He has submitted that the petitioner solemnized marriage with respondent No.1 on 04.09.2016. Petitioner was discharging all his responsibilities towards his wife and minor, however, respondent No.1/wife left the matrimonial home without any sufficient reason. It is submitted that the respondent/wife was compelling the petitioner to transfer the matrimonial home in her name, which was not possible for the petitioner. He further submits that the petitioner has one more brother, who is already settled abroad. As respondent No.1/wife was not cooperating in the matrimonial home with

the petitioner to transfer the property in her name. He submits that respondent No.1 is working in MNC and is earning more than Rs.70,000/- per month and thus she is able to maintain herself and the minor. He further submits that the learned Family Court has erroneously assumed income of the petitioner as Rs.70,000/- to Rs.80,000/- per month, whereas he is out of job and has the responsibility towards his old aged mother as well. He further submits that as the respondent/wife left the matrimonial home without any rhyme and reason, hence, the impugned order deserves to be set aside.

Heard.

Relationship between the petitioner and the respondents is not disputed. Precise contention of counsel for the petitioner is that respondent/wife is very well educated and earning a handsome salary. However, it is pertinent to note that the learned Family Court has declined the interim maintenance prayed by the respondent/wife and has granted the interim maintenance @ Rs.15,000/- per month only to respondent No.2/minor. Needless to say that to maintain the minor, it is the legal duty and responsibility of both the parents. Even if respondent No.1/mother is educated and earning that would not absolve the petitioner/father from his responsibility towards his minor daughter. As per the law settled by Hon'ble Supreme Court in plethora of judgments, if father is able bodied person, then he is liable to maintain his wife and children. Reliance can be placed in this regard on **Rajnish Vs. Neha**, 2021(2) SCC 324. There is nothing on record to show that the petitioner is not an able bodied person or is not capable of earning and as such he cannot escape his liability towards his minor child.

Court finds no infirmity in the order passed by the learned Family Court in granting interim maintenance to respondent No.2/minor @ Rs.15,000/- per month. Thus, the petition being devoid of any merit, is hereby dismissed.

December 23, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |