

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

CRR-2907-2022

Date of Decision: 22.12.2022

CHHINDER SINGH

... PETITIONER

V/S

AMARJEET KAUR AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. B.S.Chahal, Advocate for the petitioner.
 * * *

VIVEK PURI, J. (ORAL)

The petitioner has assailed the order dated 01.11.2022 passed by the Court of learned Sessions Judge, Fazilka and the order dated 20.11.2015 passed by the Court of learned Judicial Magistrate, Jalalabad vide which maintenance has been awarded @ Rs. 2500/- and Rs. 1500/- p.m. in favour of respondent Nos.1 and 2 respectively.

Learned counsel for the petitioner contends that the petitioner is working as a labourer and the amount of maintenance awarded is on higher side. The perusal of the impugned orders passed by the Courts below indicate that at the first instance, the petitioner had appeared in the Court of learned Judicial Magistrate and submitted the reply. Subsequently, he was proceeded against ex parte. The respondent had led the ex parte evidence and the maintenance @ Rs. 2500/- and Rs. 1500/- p.m. was awarded in favour of respondent Nos.1 and 2 respectively. The petitioner had assailed the order in the Court of Sessions and appeal/revision filed by him was dismissed in terms of the order dated 01.11.2022.

It has been pointed out that the impugned order has been passed on the basis of the statements of the interested witnesses and respondent No.1 has instituted multiple litigation which indicates that she is not interested to save the matrimonial life.

It is significant to note that the relationship between the parties has not been disputed. Admittedly, the marriage of the petitioner was solemnized with respondent No.1 and respondent No.2 has been born from the wedlock. The evidence led by the petitioner was unrebutted in the Courts below and consequently, order with respect to maintenance has been passed. Although, it has been argued that the impugned order has been passed by the learned trial Court on the basis of the statements of the interested witnesses i.e. respondent No.1 and her father but it cannot be said that their deposition is liable to be discarded only on the score that they are interested in the success of the case particularly, because the respondents are seeking enforcement of their claim for maintenance. In such circumstances, the statements of respondent No.1 and her father with whom she is residing cannot be termed to be insignificant or immaterial to arrive at a conclusion with regard to the claim of the respondents for maintenance. Even detail of other litigations has not been specified. It has not been disputed that the petitioner is an able-bodied person. Even on the assumption that the petitioner is working as a casual labourer and keeping in view the contingencies of employment, his monthly income cannot be said to be less than Rs. 10,000/-.

In these set of circumstances, the amount of maintenance as awarded by the Courts below cannot be termed to be on higher side or excessive and not commensurate with the income and status of the petitioner. Consequently, no ground for interference is made out in the orders passed by the Courts below.

Dismissed.

22.12.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No