

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(111)

CRM-M-55508-2019
Date of Decision: 02.08.2022

Parveen Kumar & another

--Petitioners

Versus

Seeta Rani

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Brahmeet Singh, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C impugning the order dated 23.4.2019 passed by the learned ACJM, Fatehgarh Sahib (Annexure P-3), whereby an interim maintenance of Rs.6,000/- per month has been awarded to the petitioners therein i.e. Rs.2,000/- per month by all the three respondents (sons of the petitioner) . Petitioners herein have further impugned the order dated 8.11.2019 passed by learned Addl. Sessions Judge, Fatehgarh Sahib whereby the order passed by learned ACJM, Fatehgarh Sahib has been upheld.

As per facts of the case, respondent Seeta Rani is the mother of petitioners. Due to old age she is suffering from several diseases. Neither her husband nor the respondents, who are her sons are looking after her. She having no source of independent income remained totally at the mercy of the people of locality. However, the respondents-sons are having their fruit shops/fast food shop and are alleged to have earning of more than Rs.50,000/- per month. Despite repeated requests petitioners never provided the respondent any maintenance and hence she approached the court of

learned ACJM, Fatehgarh Sahib by way of filing a petition under Section 125 Cr.P.C for grant of maintenance. Learned court below allowed the petition vide impugned order (Annexure P-3) and directed all the three respondents-sons to pay Rs.2,000/- per month each i.e. Rs.6,000/- per month in total to their mother Seeta Rani. Two respondents i.e. present petitioners filed a revision petition impugning the order dated 23.4.2019 (Annexure P-3) before the court of learned Addl. Sessions Judge, Fatehgarh Sahib, however, vide order dated 8.11.2019 (Annexure P-5) learned Addl. Sessions Judge, Fatehgarh Sahib dismissed the revision petition. Aggrieved by the same petitioners have preferred the present petition before this court.

Learned counsel for the petitioners has contended that both the courts below have fallen in error in granting the interim maintenance as mentioned above. He submits that the respondent mother is running a shop and thus has an independent source of income and therefore she is not entitled for any maintenance. He submits that the respondent had filed a petition under Section 125 Cr.P.C against her husband i.e. father of the petitioners and the same was allowed and hence she was granted maintenance. The financial condition of the petitioners is not well and hence both the courts below have drawn a wrong conclusion in assessing their income. He also submits that the respondent mother is living separately from her husband and the petitioners and thus she is not entitled for any maintenance. Counsel submits that in view of the overall facts and circumstances of the case, both the impugned orders deserve to be set aside.

I have heard learned counsel for the petitioners at length and have gone through the record carefully.

From the arguments advanced by counsel for petitioner and perusal of the record, it is clear that the relationship between the petitioners and respondent is not under dispute. The respondent is an elderly woman and the petitioners being her sons are morally and legally bound to look after her. There is nothing on record to show that the respondent mother is running a shop and has an independent source of income. As per settled proposition of law the provision of Section 125 Cr.P.C is not meant to award punishment, however, the same is to prevent the vagrancy and destitution. Even if it is assumed that the respondent mother has some source of income the same does not absolve the petitioners-sons from the liability of looking after their elderly mother. The petitioners-sons are not only legally but morally also bound to discharge their responsibility for providing maintenance to their mother.

Thus, weighing the facts and circumstances of the present case on the anvil of the law settled, this court does not find any infirmity in the view taken by the courts below in granting the interim maintenance of Rs.6,000/- per month i.e. Rs.2,000/- to be paid by each son to the respondent mother. Resultantly, the petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

02.08.2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No