

In the High Court of Punjab and Haryana at Chandigarh

118

CRR(F)-113 of 2023

Date of Decision: 9.2.2023

Parshant

---Petitioner

versus

Anjali Saini and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sourabh Saini, Advocate for
for Mr. Pawan Kumar, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition is seeking setting aside of order dated 25.11.2022 whereby Principal Judge Family Court, Narnaul has allowed interim maintenance of Rs. 6,000/- per month to respondent No. 1-wife and Rs. 4,000/- per month to respondent No. 2-minor son of the petitioner.

The marriage between the parties was solemnized on 3.12.2017 according to Hindu rites and ceremonies. Out of this wedlock, one son was born. The couple could not pull on and respondent left company of the petitioner. The respondent preferred a petition under Section 125 Cr.P.C. before Family Court seeking maintenance for herself and her son. The Family Court vide impugned order dated 25.11.2022 has awarded maintenance of Rs. 6000/- per month to respondent No. 1 (wife) and a sum of

Rs. 4000/- per month to respondent No. 2 (son) of the petitioners.

Learned counsel for the petitioner inter alia contends that petitioner is running a medical shop in a rented shop. The Family court has assessed income of the petitioner on assumption and surmises. The income of the petitioner is not more than Rs. 18,000/- per month.

I have heard arguments of learned counsel for the petitioner and perused the records..

The relevant extracts of order dated 25.11.2022 read as:-

“Petitioner No. 1 has claimed that she has no source of income and is fully dependent upon her parents. However, respondent was running a medical shop and his monthly income is Rs. 60,000/--, thus, respondent was having sufficient income, but had neglected and refused to maintain the petitioners, so the petitioners be granted Rs. 30,000/- per month as interim maintenance alongwith litigation expenses. Respondent has claimed that petitioner No.1 used to harass him and his family members. She alongwith child left the matrimonial house willfully without any reasonable cause. Respondent is ready and willing to keep the petitioner No.1 but she flatly refused to reside with him. Petitioner No.1 has mentioned in her affidavit that her general monthly expenses is Rs.30,000/-, Petitioner No.1 has also produced copy of school fee as well as bill of books of petitioner No.2 which

shows that petitioner No.1 is paying tuition fees of Rs.11400/- for session 2022-2023 and charges of book of Rs.3350/- of petitioner No.2. She is not earning anything whereas respondent is running a medical shop. She produced some photos and papers regarding property owned by respondent and his family members. Respondent has mentioned in his affidavit that he is B. Pharma. He is running a rented medical store and he is earning Rs.10,000/- per month whereas petitioner No.1 is Msc. B.Ed and is earning Rs.35,000/- per month However respondent has not produced any document on file which can show that petitioner No.1 is earning anything. However respondent has claimed that he is running a rented medical shop. Respondent has claimed that he is earning Rs.10,000/- per month. Petitioner no,1 has not produced any document on file which can show that respondent is earning Rs.60000/- per month. Now a days labourer can earn Rs.18,000/20,000/- per month. Allegations levelled against each other by petitioner No.1 and respondent are to be proved during trial by leading cogent evidence. However it is the moral as well as legal duty of the respondent to maintain his wife and minor child. Keeping in view the above facts, application for interim maintenance filed by the

petitioners is accordingly allowed and respondent is directed to pay sum of Rs. 6000/- per month as interim maintenance to petitioner No. 1, sum of Rs. 4000/- per month as interim maintenance to petitioner No. 2 from the date of filing of application and litigation expenses of a sum of Rs. 5,000/-.”

Keeping in view the present cost of living; social and legal responsibility of the petitioner to maintain his family and maintenance awarded, this court does not find that amount of interim maintenance fixed by the trial Court is on higher side, thus, the present petition deserves to be dismissed. Accordingly dismissed.

The maintenance awarded by Family Court is interim, thus, petitioner would get opportunity to put forth his stand at the time of determination of final maintenance.

**(JAGMOHAN BANSAL)
JUDGE**

9.2.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No