

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 119

Criminal Revision No.F-141 of 2023 (O&M)

Date of Decision: *February 23, 2023*

Abhilash Ganguly

..... PETITIONER(S)

VERSUS

Archi Ganguly and another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Neeraj Goel, Advocate for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

CRM No.4367-2023

Application is allowed.

Annexures P-1 to P-13 are taken on record, subject to all just exceptions.

CRM-9057-2023

Application is allowed.

Affidavit of petitioner along with account statement and copy of demand draft dated 10.02.2023 are taken on record, subject to all just exceptions.

Main case

This revision petition is against the order dated 19.11.2022 passed by the Family Court granting interim maintenance of Rs.25,000/- to the respondent/child born to the parties.

2. The facts in brief recorded in the impugned order are, the petitioner and the respondent's-mother got married on 27.01.2004, and the

girl child was born to them, who is around twelve years old. Her mother is not able to take any full-time job as she has to take care of the child's education as well as day to day activities. She is studying in a reputed school at Gurugram and her quarterly expenses of education fee are around Rs.43,000/-. Her mother (petitioner's wife) has been constrained to take home loan, and EMI for the flat (in which she and the respondent-child are residing) is around Rs. 14,000/-. The petitioner-husband has never bothered to take care of the child or her mother. Therefore, it was prayed that he should be directed to make payment of entire educational expenses of the child, including extra curricular activities, travelling and basic expenses.

3. In response, the petitioner-husband has refuted all the grounds taken in the petition claiming maintenance by the girl child. He stated that the child's mother was a working woman, who did not disclose her exact income. She left the petitioner's company on her own and had taken the child along against his wish. Therefore, he should not be burdened with any financial responsibility. Before Family Court, the petitioner-husband admitted his monthly income to be Rs.1.8 lacs.

4. Based on that and taking into account other relevant factors, the Family Court awarded interim maintenance to the respondent-minor child on the ground that it was joint responsibility of the parents to take care of the child.

5. Learned counsel for the petitioner contends that the amount of maintenance is on a higher side as maintaining the child is joint responsibility of both the parents, and the liability should also be proportionately divided between them. He further submits that admitted income of the petitioner-husband actually is Rs.1.4 lacs; besides, he has to

pay monthly loan instalments for the bike, house and car, that have been given to wife by him. Keeping in view these facts, the amount of interim maintenance needs to be reduced.

6. A perusal of the impugned order itself establishes that the amount of maintenance awarded to the minor child is keeping in view joint responsibility of the parents to take her care. There is no material on record to even *prima facie* indicate that monthly expenses to bring up the child, which includes her education, extra curricular activities, travelling and other expenses, is only Rs. 25,000/- per month. Instead, it is on record that her quarterly education fee itself is around Rs. 43,000/-. Therefore, there is no substance in the argument raised by learned counsel for the petitioner that the liability to pay the interim maintenance awarded to the respondent-child should be proportionately divided between him and the respondent-child's mother. Further, keeping in view the admitted income of the petitioner-husband, even if it taken to be Rs.1.4 lacs per month as claimed by learned counsel for the petitioner before this Court, the amount of interim maintenance awarded by the Family Court is not on a higher side. Merely because the petitioner has to pay monthly instalments of home loan etc. as claimed by him, it cannot be a factor to reduce the interim maintenance awarded for upkeep of the child, at this stage. The facts of the case are still to be established during trial, which is going on.

7. Pursuant to the order dated 30.01.2023 passed by this Court, the petitioner-husband has filed an affidavit regarding the amount of interim maintenance paid by him to the minor child so far. It is apparent from the affidavit that he has not paid any amount of interim maintenance so far.

8. In view of the aforesaid, there is no ground to interfere with

the impugned order.

9. Dismissed.
10. Pending miscellaneous application(s), if any, stand disposed of, as having been rendered infructuous.

February 23, 2023
payal

(Tribhuvan Dahiya)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No