

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 114

Criminal Revision No.F-199 of 2023 (O&M)
Date of Decision: *March 27, 2023*

Avtar Singh

..... PETITIONER(S)

VERSUS

Mandeep Kaur and others

..... RESPONDENT(S)

. . .

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

. . .

PRESENT: - Mr. Yagsimant Attri, Advocate for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

CRM-11295-2023

Application is allowed and the documents regarding income of the petitioner's firm is taken on record as Annexure P-8, subject to all just exceptions.

Main case

This revision petition has been filed for setting aside the order dated 17.12.2022 passed by the Family Court granting interim maintenance of ₹15,000 per month to the respondent-wife and ₹12,500 per month to each of the minor children/respondents No.2 & 3, during pendency of the petition filed by them under Section 125 Cr.P.C. claiming maintenance from the petitioner-husband.

2. Learned counsel for the petitioner has contended that the petitioner is only working as a mechanic in a firm and does not have sufficient income to pay the high amount of maintenance awarded to the respondents. Besides, he has aged parents living with him, who also need to be taken care of, and the fact has not been considered by the Family Court

while awarding interim maintenance. It is also submitted that the respondent-wife herself is MBA, and is earning handsome salary of ₹50,000 per month. Therefore, she is not entitled to any maintenance by the Family Court.

3. The arguments advanced by learned counsel for the petitioner have been considered. The amount of interim maintenance has been granted by the Family Court by taking into account, the income tax returns filed by the petitioner as also the balance-sheets of the firm which are admittedly in his proprietorship, i.e., M/s. Surjit Diesel Service, Gandarpur, Cuttack, Orissa. It was considered that in the 'Affidavit of Income, Assets and Expenditure', the petitioner has himself mentioned his monthly income to be ₹1,50,000. The Family Court has also considered that the respondent-wife is earning only an amount of ₹14,000 per month as admitted by her, and not ₹50,000 as alleged by the petitioner. Learned counsel is not in a position to point out any material on record which could indicate the respondent-wife's income to be more than ₹14,000 per month.

4. Keeping in view these facts, the amount of interim maintenance been granted by the Family Court cannot be said to be on a higher side.

5. In view thereof, no ground to entertain the petition is made out.

6. Dismissed.

(Tribhuvan Dahiya)
Judge

March 27, 2023
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