

CRR(F)-72-2019
CRR(F)-190-2019

2023:PHHC:076282

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

CRR(F)-190-2019
Date of Decision: 24.05.2023

Rajesh Singh

...Petitioner

Versus

Renu and another

....Respondents

CRR(F)-72-2019
Date of Decision: 24.05.2023

Renu and another

.....Petitioners

Versus

Rajesh Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Ms.Preeti Singh, Advocate
for petitioner (CRR-F-190 of 2019)
Mr.Abhimanyu Singh, Advocate
for petitioner (CRR-F-72 of 2019)

SANJEEV PRAKASH SHARMA, J (ORAL)

The petitioner has preferred the present petition against the order dated 04.01.2019 passed by the Principal District Judge, Family Court, Bhiwani whereby the wife has been has been granted maintenance of Rs.6000/- per month while the child has been granted maintenance of Rs.4000/- per month.

Learned counsel appearing for the husband - petitioner submits that the wife is living separately while the child is living with him. It is stated that the custody of the child was awarded to the husband and he is taking care of him and, therefore, no maintenance is required to be paid to the child. The learned counsel for the husband further states that the wife is living at his parental house in the village while the petitioner is posted at

Delhi in CRPF. Therefore, the maintenance amount awarded to the wife is on the higher side and it should be reduced from Rs.6000/- to Rs.4000/- per month.

Per contra, the counsel appearing for the wife states that the petitioner is not allowing her to meet her son although visitation rights have been made available to her. It is stated by the counsel for the wife that she is living all alone in her husband's house at the village and she has no other means of survival except the amount which may be paid to her. It is stated that only 50% of the amount awarded as arrears have been paid while the remaining arrears have not paid to the wife. Learned counsel for the wife further submits that the amount awarded by the Family Court is on much lower side more so as the husband is a Constable in CRPF and receiving gross salary of more than Rs.60,000/- per month.

I have considered the submissions made by the counsel for the parties, while it is an admitted position that the child's custody has been awarded to the husband and, therefore, no direction could have been issued for releasing the maintenance amount for the son accordingly, the said part of the order is, therefore, set aside.

As regards, maintenance awarded to the wife is concerned, this Court finds that the concerned Court after recording statements of witnesses, reached to the conclusion that the salary of the husband is about Rs.36,500/- per month. Accordingly, the maintenance was assessed to Rs.6000/- per month. In view of the opinion of this Court, that the amount of Rs.6000/- as assessed is found to be adequate for the lady who is living in the village and using the house of her husband. However, if she has a case for enhancement, she can move an application under Section 127 Cr.P.C. pointing out the

revised income of the husband, leaving it open for the wife to move appropriate application if she so desires, this Court finds that no interference is warranted so far as the amount of Rs.6000/- per month awarded by the Principle Judge as maintenance under Section 125 Cr.P.C. The husband is directed to pay the remaining 50% of the arrears amount within a period of 03 months and also continue to pay monthly amount of Rs.6000/- per month to his wife. The concerned Commanding Officer of the petitioner's unit shall see to it that the amount of maintenance is released from his salary directly in the account of his wife so that there may not be any further disputes. At the same time, wife shall be allowed to reside in the house where she is presently residing peacefully and without any interference. If the wife chooses to leave the matrimonial house, the said circumstance may be looked into for the purpose of application under Section 127 Cr.P.C. It is also made clear that the wife shall be free to visit her child who is living with her husband as per the orders passed by the Custodial Court.

In view of the above observations, both the petitions stands disposed off accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

24.05.2023
Raman

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