

In the High Court of Punjab and Haryana at Chandigarh

112

CRR(F)-281 of 2022

Date of Decision: 20.02.2023

Jaswant Singh

---Petitioner

versus

Sudesh and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sandeep Saini, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition is seeking setting aside of order dated 02.02.2022 whereby District Judge Family Court, Jind has allowed interim maintenance of Rs. 10,000/- per month to respondents.

The brief facts of the case are that marriage of the petitioner was solemnized with respondent on 26.07.1997 as per Hindu rites and rituals. Five children were born from this wedlock. The petitioner is working with Indian Railway as IV Class employee (Group D). Due to the reasons known to the parties, the respondent alongwith her children started staying separate. The respondents filed petition under Section 125 Cr.P.C. seeking maintenance. It is apt to notice that one child is a physically challenged person. The petition of the respondents came up for consideration before Principal Judge Family Court, Jind which vide impugned order dated

02.02.2022 has awarded interim maintenance of Rs. 3000/- per month for wife and Rs. 7000/-per month for children. The Family Court has noticed that petitioner is a IVth Class (Group D) employee in Indian Railway and drawing gross salary of Rs. 40,387/- per month.

Learned counsel for the petitioner inter alia contends that amount of maintenance determined by Family Court is on the higher side. The respondent is a lady of loose character and she wants to indulge her daughters in immoral activities. The petitioner is a diabetic patient and he has to spend a lot of funds for his medicines.

I have heard counsel for the petitioner and perused the records.

The relevant extracts of order dated 02.02.2022 read as:-

“Factually, in the present case, petitioner is a simpleton household lady and does not know any art and craft to earn livelihood. She asserts that she has no source of income and is unable to maintain herself and her children.

Whereas, respondent husband, is posted as Fourth Class {Group D} in Railway Department and drawing gross salary to the tune of Rs.40387/- and drawing net salary to the tune of Rs.23022/- per month after deduction etc. which is evident from the last three salary slips placed on record.

10. The sole contention of the respondent that requires consideration is that petitioners are

not entitled for maintenance because he is providing everything to the them. Petitioner no.1 is lady of loose character and wants to indulge her daughters in immoral life. Rest all assertions can only be adjudicated post evidence.

11. *Thus, keeping in mind the totality of the circumstances, petitioners are awarded maintenance to the tune of Rs.10,000/- per month (i.e. Rs.3000/- for petitioner No.1; Rs.2000/- for petitioner No. 2, Rs. 1500/- each for petitioners no. 3 and 4 and Rs. 1000/- each for petitioners no. 5 and 6} at par to the status/income of respondent along-with litigation expenses of Rs. 5000/- (One time) from the date of filing this petition till its final disposal.”*

Learned Family Court has fixed interim maintenance after considering factum of marriage, number of children, income of petitioner and income of respondents.

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.

It is apt to mention here that 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

20.02.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No