

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 116

Criminal Revision No.F-305 of 2023
Date of Decision: March 27, 2023

Rajvinder Singh

..... PETITIONER(S)

VERSUS

Sukhvir Kaur

..... RESPONDENT(S)

...

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

...

PRESENT: - Mr. Vinod Bhardwaj, Advocate for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This revision has been filed impugning the order dated 23.01.2023 passed by the Family Court granting maintenance of ₹5,000 to the respondent-wife, apart from litigation expenses of ₹5,000.

2. Learned counsel for the petitioner has contended that the amount of maintenance is on a higher side, and the petitioner does not have sufficient income to pay the same. He is only a labourer, and maintaining two children born out of the wedlock also. The respondent-wife is staying with someone else in live-in-relationship. On this account also, she is not entitled to grant of maintenance.

3. Learned counsel for the petitioner has been heard and file of the case has been perused.

4. The Family Court has assessed the amount of maintenance by taking the petitioner-husband's income to that of skilled labourer between ₹15,000 to ₹20,000 per month. Besides, admittedly his mother owns half an acre of land. There is no evidence on record to prove that the respondent-wife is in live-in relationship with someone else, nor could any be pointed

CRR(F)-305-2023

[2]

out by learned counsel for the petitioner except the statement by petitioner's daughter/RW-2, aged about fifteen years, who in her testimony only stated that her mother is living with some other person at Kaithal. Undisputedly, this child is in the petitioner's custody. This bald statement without any particulars or material fact cannot be believed to disentitle the respondent-wife to maintenance. In case the Family Court has not believed the said statement, no exception can be taken to. It is also not in dispute that the respondent-wife is not earning. Since the petitioner is an able-bodied person having some agricultural land in his mother's name also, it is reasonable to believe that he must be earning the amount assessed by the Family Court. Undoubtedly, even a skilled labourer these days earns that much. Therefore, no ground to interfere with the impugned order is made out.

5. Dismissed.

(Tribhuvan Dahiya)
Judge

March 27, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No