

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

113

CRR(F)-324-2023

Date of Decision : 09.03.2023

Krishan Lal

..... Petitioner

Versus

Manjit Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition is seeking setting aside of order dated 05.11.2022 whereby Principal Judge, Family Court, Faridkot, in terms of Section 125 of Cr.P.C. has granted interim maintenance of Rs.9,000/- per month to the respondent.

The brief facts emerging from the record are that the marriage of the petitioner was solemnised with respondent in 1998. It was 2nd marriage of the petitioner and he had two children from the previous wedlock. The couple could not enjoy the fruits of marriage tree and started living separately. The respondent moved a petition under Section 125 Cr.P.C. seeking maintenance from the petitioner. The petition came up for consideration before Principal Judge, Family Court, Faridkot which vide impugned order dated 05.11.2022 granted interim maintenance of Rs.9,000/- per month to respondent-wife. The Family Court considered income of the petitioner Rs.43,000/- per month.

Learned counsel for the petitioner *inter alia* contends that

the amount of interim maintenance granted by trial Court is exorbitant and being on higher side needs to be reduced.

I have heard argument of learned counsel for the petitioner and scrutinized the record.

From the perusal of impugned order and arguments of learned counsel for the petitioner, it is quite evident that the marriage of the petitioner with respondent is undisputed. The petitioner is not disputing his responsibility to maintain his wife-respondent, however, he is disputing quantum of maintenance.

The Family Court has noted salary of the petitioner Rs.43,000/- per month which is not disputed by the petitioner. The Court has awarded maintenance Rs.9,000/- per month which is an interim arrangement. This Court does not find any factual or legal infirmity in the impugned order warranting interference.

The petitioner is morally, socially and statutorily duty bound to maintain his wife and children, if any. The petitioner cannot run away from his responsibility. The attempt of petitioner seems to deflect from his responsibility which neither can be appreciated nor permitted by Court.

Keeping in view, cost of living, amount of maintenance awarded, qualification and status of parties, this Court does not find that amount of maintenance fixed by court below is on the higher side, thus, the present petition deserves to be dismissed and 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

09.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>