

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:044891

CRR(F)-431 of 2023(O&M)

Date of Decision: 27.03.2023

Dilbagh Singh

---Petitioner

versus

Jasbir Kaur

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Harchand Singh Batth, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

CRM-13324 of 2023

The applicant is seeking condonation of delay of 49 days
in filing the instant petition.

In view of averments made in the application and
arguments advanced by counsel for the applicant, the application is
allowed and delay of 49 days in filing the revision petition is
condoned.

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1. The petitioner through instant petition under Section 401
Cr.P.C. is seeking setting aside of order dated 18.10.2022 whereby
Additional Principal Judge, Family Court, Baba Bakala Sahib,
Amritsar, in terms of provisions of Section 125 of Cr.P.C., has

awarded interim maintenance allowance of Rs. 13,000/- per month to the respondent

2. The brief facts emerging from record are that the marriage of the petitioner was solemnized with respondent on 17.11.1993 in accordance with Sikh rites and ceremonies. The wedlock was blessed with two children. Issues best known to the parties overpowered the institute of marriage and they could not cohabit. The respondent left company of the petitioner and filed petition under Section 125 of Cr.P.C. seeking maintenance. The petition came up for consideration before Family Court which vide impugned order has awarded interim maintenance to the respondents. The petitioner feeling aggrieved from impugned order has invoked jurisdiction of this court.

3. Learned counsel for the petitioner *inter alia* submits that amount of maintenance awarded by the court below is on the higher side. The total monthly income of the petitioner is Rs. 62,854/-, thus, it is difficult to pay awarded amount of maintenance. The petitioner has responsibility of his old aged parents. The trial court has failed to consider that it is respondent who had left company of the petitioner.

4. I have perused the record and heard arguments of the learned counsel for the petitioner.

5. From the perusal of findings recorded by trial court while awarding maintenance allowance, it is succinctly clear that trial court has duly considered existence of marriage between the parties, income

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of the petitioner, income of the respondent, responsibility of the petitioner towards his legally wedded wife and children. It is settled proposition of law that amount of maintenance awarded must be in consonance with status of the family and income of the husband. The object of maintenance is to prevent the wife and children from being driven to destitution and vagrancy. The cost of living is skyrocketing, thus amount of maintenance awarded by impugned order, in no way can be called on the higher side.

The petitioner being husband and father of two children, has social, moral, ethical and statutory responsibility to maintain his family. He is attempting to deflect from his responsibility which can neither be permitted nor appreciated by this court.

It is pertinent to mention here that by impugned order interim maintenance has been awarded and petitioner would get opportunity to put forth his all pleas at the time of final determination of quantum of maintenance.

Finding no factual or legal infirmity in the impugned order, warranting interference by this court, present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

27.03.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No