

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

136

CRM-M-15731-2023

Date of Decision : 28.03.2023

Inder Singh

..... Petitioner

Versus

Mandeep Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Arihant Jain, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking setting aside of order dated 13.12.2022 whereby Additional Sessions Judge, Sangrur has dismissed appeal of the petitioner and upheld order dated 28.10.2021 whereby JMIC, Sangrur has granted interim maintenance of Rs.5,000/- per month.

The brief facts emerging from record are that the marriage of the petitioner was solemnized with respondent on 04.09.2019 in accordance with Sikh rites and ceremonies. No child was born from the wedlock. Issue 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 12 of DV Act seeking maintenance. The petition came up for consideration before trial court which awarded maintenance of Rs. 5,000/- per month to the respondent. The petitioner preferred an appeal which came to be dismissed by impugned order passed by Additional Sessions Judge, Sangrur. The petitioner feeling aggrieved from impugned order has invoked

jurisdiction of this court.

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. 19,500/- thus, it is difficult to pay awarded amount of maintenance. The respondent has children from her previous marriage and they have criminal antecedents. They are harassing the petitioner and even beating him. The trial court has failed to consider that it is respondent who had left company of the petitioner.

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

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 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 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

28.03.2023

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