

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-404-2023 (O&M)

Date of order: 24.08.2023

Deepakraj Yadav

.....Petitioner(s)

Vs.

Ekta & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Neeraj Yadav, Advocate
for the petitioner.

Nidhi Gupta, J.

Prayer in the present revision petition filed by the petitioner–husband is for setting aside impugned order dated 02.03.2023 passed by learned Principal Judge, Family Court, Rewari whereby in an application filed by the respondents under Section 125 Cr.P.C., interim maintenance of Rs.25,000/- per month (Rs.15,000/- per month to respondent No.1/wife and Rs.10,000/- per month to respondent No.2/minor daughter) has been awarded from the date of filing the application.

2. Learned counsel for the petitioner submits that the petitioner was married to respondent No.1 on 26.02.2014. Out of this wedlock, one daughter/respondent No.2 was born on 21.10.2017. Learned counsel states that the learned Family Court had awarded interim maintenance of Rs.25,000/- per month on the premise that the petitioner is earning Rs.75,000/- per month as he is working as Engineer in Abode India. It is stated that however, now, after the passing of the impugned order, the petitioner had lost his job. In support of his contention, learned counsel refers to Annexure P1 which is the Relieving Letter issued by HCL Technologies Ltd. Learned counsel reiterates that in view of the fact that the petitioner has now lost his job, he will therefore be unable to pay

interim maintenance as awarded by the learned Family Court vide the impugned order.

3. I have heard learned counsel for the petitioner.

4. Perusal of Annexure P1 reveals the same to be dated 03.08.2022, whereby the resignation letter dated 05.05.2022 submitted by the petitioner to resign from his position of Technical Specialist held at HCL Technologies Ltd.–IOMC, has been accepted with effect from 02.08.2022. The impugned order is of 02.03.2023. Accordingly, the singular ground on which the petitioner has challenged the impugned order - to the effect that he will be unable to pay the interim maintenance as he has been relieved from his job after the passing of the impugned order - is shown to be patently false.

5. Further, on a direct Court query as to whether this fact/letter was brought to the notice of the learned Family Court, learned counsel for the petitioner admits that this was not done.

6. However, perusal of the pleadings of the case, in particular, para 5 of the Grounds of Revision filed by the petitioner before this Court, reveals that it has been pleaded therein that *"In the impugned order itself, the learned Family Court have mentioned that the petitioner in his reply and affidavit of assets and liabilities stated that he was earning Rs.75,000/- per month. In fact, before the Court, all the relevant documents were produced, but the learned Family Court did not consider the contention of the petitioner that now he is jobless and lost his job due to downfall in the IT sector. The Letter dated 3.8.2022 vide which the petitioner was relieved from his duties is annexed as Annexure P-1"*.

7. Accordingly, the learned Family Court after appraisal of the facts, submissions and pleadings brought on record, had held that *"8....The respondent in his reply and affidavit of assets and liabilities stated that he was earning Rs.75,000/- per month. He has also produced on record his Bank Account Statements, which shows that he is having good income. Even if his contention that he left the job is accepted, he can earn handsomely and is bound to provide maintenance to the applicants to the extent that they could maintain the same standard of living, had the*

matrimonial discord would not have taken place. There is no document on record to show that the applicant No.1 is earning anything. So taking into consideration the entire facts and circumstances, it will be just and reasonable if the respondent is directed to pay interim maintenance allowance to the tune of Rs.25,000/- per month....”

8. Thus, it has been admitted by the petitioner himself in his reply and affidavit of assets and liabilities, that he was earning Rs.75,000/- per month, as also his Bank Account Statements revealed that he is having handsome income. In this undisputed view of the matter, I find no error in the impugned order. Present petition accordingly stands **dismissed.**

9. Pending application(s) if any also stand(s) disposed of.

24.08.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No