

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:063330

CRR(F)-680 of 2023 (O&M)

Date of Decision: 03.05.2023

Yogesh Kumar

---Petitioner

versus

Pooja Kumar and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

CRM-19822 of 2023

The applicant is seeking condonation of delay of 20 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 20 days in filing the instant 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 11.01.2023 whereby
Principal Judge, Family Court, Rewari in terms of provisions of
Section 125 of Cr.P.C., has awarded interim maintenance allowance of

Rs. 20,000/- per month to the respondents i.e. Rs. 15,000/- per month to the wife and Rs. 5,000/- per month to daughter of the petitioner.

2. Learned counsel for the petitioner *inter alia* submits that petitioner is admittedly working with Air Force, however, his gross salary is not Rs. 77,000/- per month. During the month of November' 2022, the petitioner was working in insurgency area where an armed forces employee gets almost double of the salary. As per recent salary slip, the petitioner is getting net salary Rs. 37,003/- per month, therefore, he cannot part with a sum of Rs. 20,000/- per month i.e. Rs. 15,000/- per month to wife and Rs. 5000/- per month to his daughter.

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

4. From the perusal of salary Slip of the petitioner (Annexure P-6), it is quite evident that gross salary of the petitioner is Rs. 58,191/- per month and after deductions, he is getting Rs. 37,000/- per month. There is contribution towards provident fund Rs. 8000/- as well towards AFGIS and IAPLI premium Rs. 6693/-. These deductions seem to be voluntary and cannot be considered while considering salary of the petitioner. Petitioner has not disputed existence of marriage between the parties, his responsibility towards his legally wedded wife and child. 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

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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.

5. The petitioner being husband and father of minor kid 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.

6. 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.

7. 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

03.05.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No