

Neutral Citation No.2023:PHHC:150798

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

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**CRR(F) No.351 of 2022
Date of Decision: 23.11.2023**

Naresh

... Petitioner

Versus

Smt. Manju and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jangvir Singh Hooda, Advocate,
for the petitioner.

MANISHA BATRA, J.

1. The petitioner has sought indulgence of this Court for invoking its revisional jurisdiction for interfering with an order dated 16.12.2021 passed by learned Principal Judge, Family Court, Palwal in Maintenance Petition No.125/29/2019 titled as Manju and another v. Naresh whereby maintenance to the tune of Rs.8000/- per month to respondent No.1 who is his wife and Rs.9000/- per month to respondent No.2 who is his minor daughter has been allowed.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the respondent No.1 wife filed the aforementioned petition for herself and on behalf of minor respondent No.2 on the averments that she was married with the petitioner on 26.04.2007. The respondent No.2 was born out of their wedlock. The petitioner and his family members were not satisfied with the dowry received at the time of his marriage and they started harassing the respondent No.1 physically as

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well as mentally by raising demand of Rs.2 lacs in cash and an Alto car. The intervention made by the relatives and other respectable members of their society did not yield any fruit and the behaviour of the petitioner and his family members remained the same. Ultimately, she along with respondent No.2 was thrown out of her matrimonial house on 22.04.2011 and eversince then she was residing with her parents. The respondent No.1 while claiming that she had no source of income and was unable to maintain herself as well as her minor daughter whereas the petitioner who was posted as Head Constable in ITBP was getting handsome salary and also owned agricultural land, prayed for grant of maintenance to both the respondents.

3. The petitioner contested the petition so filed by the respondents. After considering the evidence produced by both the parties, the learned Principal Judge vide the impugned order dated 16.12.2021, gave direction to the petitioner to pay maintenance of the amounts as mentioned above.

4. Learned counsel for the petitioner has argued that the impugned order is not sustainable in the eyes of law as he has never neglected and refused to maintain the respondents. Rather the respondent No.1 has not joined her matrimonial house despite the fact that a settlement had previously taken place due to the intervention of the respectables and previous petition filed by her seeking maintenance had also been withdrawn. He has argued that the petitioner himself is under heavy debt as he has secured loan to the tune of Rs.8 lacs for the purpose of repair of his house and he is paying EMIs of big amount of money. While submitting that the amount of the maintenance as awarded by learned Family Court is exorbitant and the impugned order has caused manifest injustice to him, learned counsel has urged that the impugned order be set aside.

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5. I have heard learned counsel for the petitioner and have perused the material placed on record. It is admitted case of the petitioner that he is serving in ITBP. The learned Family Court had observed that his gross monthly income as on the date of passing of the impugned order was Rs.72,212/- and this fact has not been disputed by the petitioner. The petitioner cannot seek benefit of the fact that he is making repayment of any loan as availed by him because his liability to maintain his wife and child is not diluted due to that reason. Admittedly, the respondents are living separately from the petitioner since the year 2011. The petitioner has failed to bring any material on record to show that both of them were capable of maintaining themselves. He has also not been able to prove that the respondent No.1 has willingly withdrawn from his company. There is nothing on record to show that there was any effort on his part to rehabilitate the respondents with him. The amount of maintenance which has been directed to be paid by him to the respondents cannot be stated to be excessive. It is the moral as well as legal obligation of the petitioner to maintain his wife and child. It is well settled that a wife is entitled to maintain a standard of living which is neither luxurious nor penurious and is also entitled to lead a decent life yet at par with the dignity and status of the husband and keeping in view the commitment of the petitioner to meet the needs and requirements of food, shelter and medical treatment etc. of his wife as well as his child.

6. Keeping in view the facts and circumstances of the case, I am of the considered opinion that the learned trial Court had rightly directed the petitioner to pay an amount of Rs.8000/- per month to the respondent wife and Rs.9000/- per month to his daughter who is school going and this

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amount cannot be stated to be excessive or inconsistent with the status of the petitioner and is bare minimum and commensurate with the day to day requirement of studies and medical expenses etc. of the minor respondent also. It is well settled that order granting maintenance to helpless wife and child should not be lightly interfered with unless any illegality or manifest injustice is made out. No such illegality is, however, made out in this case in the impugned order. Therefore, I find no reason to interfere with the same. Accordingly, affirming the findings as given by learned trial Court, the revision petition is dismissed.

23.11.2023
manju

(MANISHA BATRA)
JUDGE

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