

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

135

CRM-M-20328-2023

Date of Decision : 25.04.2023

Abhishek Ojha

..... Petitioner

Versus

Sonali

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ajay Singh Ghangas, 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 16.03.2023 whereby Principal Judge, Family Court, Bhiwani has dismissed application of the petitioner under Section 91 Cr.P.C.

The brief facts of the case are that the petitioner solemnized marriage with respondent on 31.01.2020 according to Hindu rites and ceremonies. The couple could not pull on their matrimonial ties and started staying separate. The respondent preferred a petition under Section 125 Cr.P.C. seeking maintenance from the petitioner. During the pendency of the petition before the Family Court, the petitioner moved an application under Section 91 Cr.P.C. seeking direction to the respondent to produce her income and expenditure affidavit, documents relating to her previous job, her qualification documents, her three years bank statement along with her income tax returns for the said period as well as income tax return alongwith all sources of income of her father. The application of the petitioner came up before the Family Court which vide impugned order dated 16.03.2023 dismissed the application holding that Sonali (wife of the petitioner) has

directed to file her previous job documents, income tax returns as well as income tax return alongwith source of income of her father.

Learned counsel for the petitioner *inter alia* contends that the respondent is a well qualified lady and she is a working lady. She has wrongly disclosed that she is not working. She has filed wrong affidavit of her income and expenditure. She is not dependent upon her father whereas she is self-reliant.

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

The Family Court vide impugned order dated 16.03.2023 has dismissed the application of the petitioner on the ground that wife has already filed affidavit qua income and expenditure and she cannot be asked to file income tax returns of herself and her father and previous job documents. The matter was fixed before Family Court qua grant of interim maintenance and at that stage, parties are supposed to file affidavits of their assets and expenditure which respondent herein has already filed. The Court has further rightly held that in case affidavit of respondent is found false, an appropriate action would be taken against her and she would be liable for prosecution. The petitioner has every right to adduce evidence to counter affidavit of the respondent (wife). The findings recorded by Family Court are just, fair and reasonable. This Court does not find any legal or factual infirmity warranting interference.

Dismissed.

25.04.2023
anju

(JAGMOHAN BANSAL)
JUDGE

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