

In the High Court of Punjab and Haryana at Chandigarh

CRR(F)-282 of 2021

Date of Decision: 27.1.2023

Lalit Mohan Jangra

---Petitioner

versus

Asha and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Anirudh Kush, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through instant petition is seeking setting aside of order dated 08.02.2021 whereby Additional Principal Judge, Family Court, Rohtak, in terms of Section 125 Cr.P.C. has directed the petitioner to pay maintenance, pendente lite @ Rs.5,000/- per month to respondent No.1 w.e.f. 06.07.2017 i.e. date of filing of maintenance petition and Rs.5,500/- per month to respondent No.1 from the date of decision i.e.08.02.2021.

Learned counsel for the petitioner, inter alia, contends that marriage between the parties was solemnized on 02.11.2006 and from this wedlock two children were born who at present are minor. The petitioner filed petition under Section 9 of Hindu Marriage Act, 1955 seeking restitution of conjugal rights. The said petition was allowed and decree dated 09.01.2019 was passed by Senior Judge (Sr. Div.), Kaithal. The respondent is staying with her parents and they have sufficient sources to maintain the respondent. The respondent has voluntarily left company of the petitioner, thus, she is not entitled to maintenance in terms of Section 125 Cr.P.C.

I have heard counsel for the petitioner and perused the record.

The relevant extracts of order dated 08.02.2021 passed by Additional Principal Judge, Family Court, Rohtak read as:

“14. In view of the above discussions, this Court has come to the conclusion that the respondent has failed and neglected to maintain petitioners despite it being his legal and moral duty. Therefore, the petitioners are entitled to receive maintenance from the respondent.

15. So far as the question of quantum is concerned, there is no documentary evidence to prove income of either party. The respondent has also pleaded that his petitioner wife has source of income but there is no proof. On the other hand, it is admitted case of the parties that respondent is a carpenter.

16. Considering the totality of circumstances of and status of the parties and also considering the socio-economic conditions prevailing in the society, this court is of the considered view that the ends of justice would meet if the respondent is directed to pay an amount of Rs.5,000/- per month to the first petitioner and Rs.1000/- each to the second and third petitions with effect from the date of filing of the petition and Rs.5500/- per month to the first petitioner and Rs.1500/- per month each to the second and third petitioner with effect from the date of this order towards their maintenance besides Rs.11,000/- towards litigation expenses.”

Keeping in view the present cost of living; social and legal responsibility of the petitioner to maintain his wife and children, fact that respondent is tasking care of two minor kids and maintenance awarded; this court does not find that amount of maintenance fixed

by court below is on higher side, thus, the present petition deserves to be dismissed on merits. Accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

27.1.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No