

CRR(F)-519-2022

-1-

129

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR(F)-519-2022

Date of Decision:- 20.03.2023

**Satender**

....Petitioner

Vs.

**Gayatri**

...Respondent

**CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Satish Kumar, Advocate  
for the petitioner.

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**AMARJOT BHATTI, J. (Oral)**

The petitioner – Satender has filed the present revision against impugned order dated 06.04.2022 passed by Principal District Judge, Family Court, Jind, Haryana vide which Gayatri (respondent) has been granted monthly interim maintenance at the rate of Rs.4,000/- per month to be deposited by 10<sup>th</sup> of each month directly in the bank account of Gayatri (petitioner therein). Feeling aggrieved of the order of interim maintenance, the present revision has been filed.

Learned counsel for the petitioner argued that the petitioner and respondent got married on 25.11.2007. The respondent has left the house on 23.05.2020 and started living with her parents. He and his family members tried to resolve the matter but failed. She filed petition under Section 125 Cr.P.C. for grant of maintenance against him on 24.07.2020.

She also filed application for ad-interim maintenance (Annexure P-1). The

CRR(F)-519-2022

-2-

said application is contested by the petitioner by filing reply which is Annexure P-2. On 06.04.2022, the learned Family Court has granted interim maintenance of Rs.4,000/- per month in favour of his wife i.e. respondent without appreciating the facts of the case. The said order is without justification. The respondent is able bodied and well educated lady who has done M.A., B.Ed. and one year Diploma in Computer. She is running a coaching centre in Krishna Colony, Jind by taking a room on rent and earning Rs.15/20 thousand per month. She has left the matrimonial home without any reason. The present petitioner is working in a factory as labourer and earning Rs.12,000/- per month. It is argued that the learned trial Court while granting maintenance wrongly came to the conclusion that the three minor children are residing with the respondent. In fact all the children are residing with him. Therefore, the impugned order is not justified and it is prayed that the same may kindly be set aside by accepting the present revision.

I have considered the arguments advanced before me. I have also gone through the record carefully. The respondent-Gayatri filed the petition under Section 125 Cr.P.C. against the present revisionist for grant of maintenance and she also filed application for grant of interim maintenance. The copy of petition under Section 125 Cr.P.C. (Annexure P-1) clearly indicates that she had filed this petition claiming maintenance from her husband for herself and she has not impleaded her children as petitioners to claim maintenance. It is alleged that Gayatri is well educated lady and she is running a coaching centre and earning huge amount. The petition is at initial stage and there is nothing on record to show that she is able to maintain herself. It is an admitted that on account

CRR(F)-519-2022

-3-

of matrimonial dispute she is living in her parents house since 23.02.2020. The present petitioner conceded that he is working in a factory and earning Rs.12,000/- per month. The allegations and counter allegations will be decided after recording of evidence of both the parties. Considering the admitted salary of the petitioner, the interim maintenance granted in favour of respondent vide impugned order dated 06.04.2022 at the rate of Rs.4,000/- per month is neither excessive nor unjustified. The petitioner is duty bound to provide maintenance to his wife. Therefore, I do not find any reason to interfere in the impugned order dated 06.04.2022 and the same is accordingly upheld and the revision preferred by the revisionist is dismissed *in limine*.

20.03.2023

Sunil Devi

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No

(AMARJOT BHATTI)  
JUDGE