

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 114

Criminal Revision (F) No.795 of 2023 (O & M)

Date of Decision: May 22, 2023

Balwinder Singh @ Nath

..... PETITIONER(S)

VERSUS

Jasvinder Kaur

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Mr. Kulwant Singh Dhanora, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

Delay condoned

2. This petition has been filed for setting aside the order dated 01.11.2022 passed by the Family Court granting interim maintenance of ₹ 5,000 per month to the respondent-wife, and ₹ 5,500 as litigation expenses.

3. Learned counsel for the petitioner contends that the amount of interim maintenance is on higher side as the petitioner has no source of income. He was earlier employed at a Petrol Pump, but lost his job after the Covid-19 pandemic. It is further contended that a son born to the parties is serving in the Army, and is taking care of his mother/respondent. Therefore, she is not entitled to grant of interim maintenance.

4. A perusal of the impugned order shows that as per copy of the petitioner's bank statement, an amount of ₹ 2 lac is lying deposited on 25.11.2021. The respondent-wife has specifically averred that the petitioner

was working as driver with Gati Transport Company, and earning more than ₹ 40,000 per month. The averment has not been controverted by the petitioner. He has vaguely stated that he has no source of income, but has failed to disclose actual income and profession.

5. Keeping in view the undisputed liability of the petitioner to maintain the respondent, his legally wedded wife, who has no source of income, the Family Court granted ₹ 5,000 per month as interim maintenance by taking the petitioner's monthly income to be ₹ 20,000 per month. The order is well reasoned and has been passed after considering all the relevant facts and circumstances of the case. Besides, merely because their son is working in the Army, and is said to be taking care of his mother/respondent, is no ground to avoid payment of interim maintenance by the petitioner.

6. Dismissed.

7. Since the main petition stands decided, pending application(s), if any, are disposed of having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

May 22, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No