

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

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**Criminal Revision (F) No.827 of 2023
Date of decision :-17.08.2023**

Naresh Kumar**.....Petitioner**

Versus

Smt. Tarawati**.....Respondent**

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ketan Antil, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Challenge in the present petition is to the order dated 05.4.2023 passed by learned Additional Principal Judge, Family Court, Kharkhoda, Sonipat, in a Petition under Section 125 Cr.P.C., filed by the respondent herein, whereby maintenance of Rs.8000/- per month has been granted to the respondent herein.

Learned counsel for the petitioner submits that the respondent is the mother of the petitioner. The father of the petitioner had died on 14.6.1987 when the petitioner was only 17 years old and was a student of 10+2. The father of the petitioner left no property and in fact had left debt of Rs.2,00,000/-, which was subsequently cleared by the petitioner herein. Learned counsel submits that the petitioner also owes the responsibility of his two sisters, which he fulfilled by getting their marriage in good families. It is submitted that the petitioner even purchased a plot measuring 150 sq. yards in

the area of Kharkhoda and constructed a house upon half portion of the said plot in the year 2002 where the respondent alongwith her daughter, namely, Savita, is residing. It is submitted that the respondent is also getting old age pension from the Government to the tune of Rs.2250/- per month. The respondent has no liability, whereas the petitioner has to look after his wife and three minor school going children. It is submitted that in her application, the respondent had been granted interim maintenance of Rs.1500/- per month, payment was being regularly made by the petitioner; however, vide the impugned order, final maintenance of Rs.8000/- per month has been awarded to the respondent. Learned counsel submits that accordingly in view of the afore-stated facts, the impugned order be set aside in the interest of justice and equity.

I have heard learned counsel for the petitioner.

Perusal of the record of the case shows that the respondent-mother in her application under Section 125 Cr.P.C. had alleged that she had purchased land from one Sohan Lal and others vide Sale Deed No.1085 dated 25.11.2000 for an amount of Rs.1,05,000/- from her own funds for the welfare and betterment of the petitioner/her son. It has been alleged that however the petitioner sold the said land measuring 26 Kanals 18 Marlas vide registered Sale Deed No.723 dated 11.7.2018 in favour of Smt. Krishna Devi for a total sale consideration of Rs.3,75,41,250/-. Thereafter, the petitioner started living separately from the respondent. It has further been alleged in the application under Section 125 Cr.P.C. that the petitioner was earning a sum of Rs.1,50,000/- per month from his work of

property dealing and finance etc. It has also come on record that the respondent is now aged 80 years. Although the learned Family Court in the impugned order has returned the finding that in respect of the plot measuring 26 Kanals 18 Marlas, there was nothing on record to show that the property belonged to the respondent or that it was illegally sold by the petitioner. Learned Family Court has also returned the finding that the petitioner had sold his share from the abovesaid property vide Sale Deed dated 11.7.2018 for a sum of Rs.3,89,87,500/- to Smt. Krishna Devi. However, keeping in view the age of the respondent and the sound financial position of the petitioner, the learned Family Court granted maintenance of Rs.8000/- per month to the respondent.

Keeping in view the facts and circumstances of the case, I find no error whatsoever in the impugned order dated 05.4.2023 passed by the learned Additional Principal Judge, Family Court at Kharkhoda, Sonipat.

Resultantly, the revision petition is dismissed.

August 17, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No