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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-600-2022 (O&M)
Date of Decision:11.01.2023

OMBIR

..... Petitioner

Versus

MEENU AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vikas Gulia, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

CRM-24305-2022

Application is for condonation of delay of 9 days in filing the appeal.

Keeping in view the averments made in the application, the application is allowed and delay is condoned.

CRM stands disposed of.

CRR(F)-600-2022

The petitioner through instant petition is seeking quashing of order dated 09.11.2021 whereby Principal Judge, Family Court, Rohtak has granted interim maintenance of Rs.10,000/- per month to respondent No.1 (wife) and Rs.5,000/- per month each to the respondent Nos.2 & 3 (children).

Learned counsel for the petitioner would submit that petitioner is working as Naik with Indian Army and getting salary of Rs.50,000/- per month. The Trial Court has wrongly considered the income of the petitioner as Rs.90,000/- per month and accordingly

determined the amount of maintenance, thus, amount of maintenance is excessive and on higher side.

The petitioner admittedly is a Government servant (Naik) and his marriage was solemnized with respondent No.1 on 27.11.2008 as per Hindu Rites and Ceremonies. The petitioner is getting salary of Rs.50,000/- per month. The petitioner is having two minor children and they are staying with their mother. The father is responsible for the maintenance of the wife and children and he cannot be absolved from his responsibility especially when children are minor and their mother is having no permanent source of income. It appears that petitioner is trying to deflect from his responsibility which cannot be permitted and appreciated by Court. The maintenance fixed is interim and petitioner would get opportunity to put forth his stand before the Trial Court before the passing of any final order.

Keeping in view, income of the petitioner as well as status of the family, this Court does not find that amount of maintenance fixed by court below is on the higher side, thus, the present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

11.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>