

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

245

CRR(F)-546-2018

Date of Decision: 21.08.2023

Deepika

.... Petitioner

Versus

Sunil

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Naveen Kumar, Advocate for
Mr. Vivek Khatri, Advocate for the petitioner.

NIDHI GUPTA, J.

1. The present revision petition has been filed by the petitioner-wife seeking modification of the impugned order dated 05.06.2018, passed by the learned District Judge, Family Court, Hisar, whereby an application filed by the petitioner under Section 125 Cr.P.C. was disposed of and final maintenance @ Rs.8000/- per month was awarded to the petitioner.

2. Learned counsel for the petitioner, *inter alia*, submits that she was married to the respondent on 20.12.2014 and no child was born out of the said wedlock. The parties are living separately since 26.06.2015. It is submitted that huge amount of Rs.30 lakhs was spent by the petitioner's family on this marriage. However, despite this, the petitioner was tortured and beaten mercilessly for bringing insufficient dowry and on 26.06.2015, she was thrown out of the matrimonial home.

Respondent-husband is working as a PTI Teacher and earning Rs.45,000/- per month as salary. Besides this, he is also owning 05 acres of agricultural land and from that he is getting Rs.20,000/- per month. Thus, it is prayed that the final maintenance of only Rs.8,000/- per month as awarded vide impugned order is inadequate and the same deserves to be enhanced.

3. No other argument is raised on behalf of the petitioner.
4. I have heard learned counsel for the petitioner.
5. It has come on record that the salary of the respondent-husband is his only source of income, out of which after payment of loan which the respondent had taken at the time of marriage, he is left with only Rs.18,525/- per month. Admittedly, respondent also has the added responsibility of his old, aged parents.
6. It has further come on record that the petitioner has failed to produce any evidence to bear out her contention that respondent was owning 05 acres of agricultural land. *Jamabandi* Mark-B produced by the petitioner before the learned Family Court shows that the agricultural land was in the name of father of the respondent. Keeping in view the fact that respondent-husband is left with Rs.18,500/- only per month after repayment of loan, the final maintenance @ Rs.8000/- per month to the petitioner as also Rs.5500/- towards litigation expenses, as granted by the the learned Family Court is more than just and fair.
7. Learned counsel for the petitioner is unable to dispute or controvert the findings as recorded by the learned Family Court. Even nothing has been produced before the Court to show that as to why the abovesaid findings are incorrect or ought to be rejected.

8. It has also come on record that though the respondent had tried to make an effort to take the petitioner back to the matrimonial home, however, the petitioner had flatly refused to join the company of the respondent. Admittedly, the parties started living separately after just a few months of marriage, and even no child was born out of this wedlock. It is my considered view, that in such a situation, maintenance as awarded by the learned Family Court does not deserve to be enhanced in the facts and circumstances of the case.

9. At this juncture it would be apposite to refer to the judgment of the Hon'ble Karnataka High Court in **Shilpashree J.M. v Gurumanjunatha A.S., 2023 SCC OnLine Kar 36**, wherein it has been held as under:-

“8. The records also disclose that before marriage petitioner No. 1 was working as is evident from her cross-examination. Her cross-examination also reveals that she was residing along with her mother. It is also evident from her admission that, even after her desertion she continued to stay in the rented house along with her mother itself and the allegation does establish that she was not interested to stay with respondent Nos. 2 to 4. It is an admitted fact that at the instance of the present petitioner No. 1, a separate house was taken on rent and now the petitioners i.e., wife and child are residing therein along with her mother, but she was reluctant to stay with her mother-in-law and unmarried sister-in-law. It is an admitted fact that respondent No. 1- husband is running provision stores. Further, he is having responsibility of taking care of his mother and unmarried sister. Admittedly, the petitioner No. 1 was working prior to her marriage and it is asserted that after marriage she resigned the said job. But, there is no explanation as to why she is incapable of working now. She is not supposed to sit idle and seek entire maintenance from her husband and she is also legally bound to make some efforts to meet her livelihood and she can seek only supportive maintenance from her husband”. (Emphasis added)

10. I am in complete concurrence with the above said views expressed by the Hon'ble Karnataka High Court. There is nothing whatsoever on record to suggest that the petitioner is physically disabled or unable to maintain herself. As such, it is the bounden duty of the petitioner also to make some effort for her own upkeep.

11. Accordingly, I find no ground is made out to exercise the revisional jurisdiction of this Court.

12. Dismissed.

21.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No