

CRR(F)-391-2022

.....Petitioner

...Respondent

NEELAM
2023.08.25 14:09
I attest to the accuracy and
integrity of this document

⁴⁹*Preeti'*

16.09.2019 (Annexure P-6) whereby the respondent was directed to pay Rs.6000/- per month as interim maintenance to the petitioner. Ld. Counsel contends that in view of the above said facts the Ld. Family Court ought to have granted final maintenance of at least Rs.6000/-per month. He further admits that the petitioner is a qualified technical hand and used to work as a draftsman and was drawing a salary of Rs.7824/- per month, whereas the respondent-husband is working as home guard in Bhiwani.

I have heard learned counsel for the petitioner.

A perusal of the record of the case reveals that the petitioner stayed in her matrimonial home for only about 10 days. No doubt, it is the moral and legal obligation of the husband to maintain his wife, however, in the facts and circumstances of the case present case, I find the impugned order to be more than just and reasonable; especially, in view of the fact that admittedly, the petitioner herself is a diploma-holder from ITI and was working in Irrigation Department, Hisar on D.C. rates as draftsman from where she was drawing, a salary of about Rs.7824/- per month.

In similar circumstance Hon'ble Karnataka High Court in **Shlipashree J. M. Vs. Gurumanjunatha A.S., 2023 SCC OnLine Kar 36,** has held as under:-

“8. The records also disclosed 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 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 supplied)

I am in complete concurrence with the above said views expressed by the Karnataka High Court.

It is further relevant that though it was the pleaded case of the petitioner before the Ld. Courts below that the respondent is earning Rs.30,000/- per month by doing agricultural work and selling milk, however she was unable to prove the same. On the contrary, it was found that he was working as home guard at Bhiwani from which his income was Rs.10,000/- per month.

Even otherwise, I find the maintenance as awarded by the learned Sessions Judge to be just and fair in the facts and circumstances of the case. Accordingly, I find no ground is made out to exercise the revisional jurisdiction of this court. Dismissed.

22.08.2023
neelam

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No