

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
109 CRR-F-1025-2023 (O&M)
Date of decision: 01.09.2023

Sanya Gupta & Another

...Petitioner(s)

Vs.

State of Punjab & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr.Amit Arora, Advocate
for the petitioners.

NIDHI GUPTA, J.

CRM-29281-2023

This is an application under Section 5 of Limitation Act read with Section 482 Cr.P.C. seeking condonation of delay of 188 days in filing the present revision petition.

After going through the contents of the application, the same is allowed.

MAIN CASE

The petitioners herein are aggrieved of order dated 11.10.2022 passed by learned Principal Judge, Family Court, Tarn Taran, whereby in an application filed by the petitioners under Section 125 Cr.P.C., interim maintenance of Rs.3,000/-per month was granted to petitioner No.1 and Rs.1500/- per month to minor daughter/petitioner No.2 (total Rs.4500/- per month), from the date of application.

2. Learned counsel for the petitioners inter alia submits that the petitioner No.1 was married to respondent No.2 on 21.04.2019. It

is submitted that the petitioner No.1 was thrown out of the matrimonial home on 12.06.2020 when she was eight months pregnant. Present petitioner No.2/minor daughter was born on 27.07.2020. Learned counsel states that the respondent-husband is earning Rs.50,000/- per month and therefore, the interim maintenance of only Rs.4,500/- granted vide the impugned order is grossly inadequate and insufficient and the same deserves to be enhanced.

3. I have heard learned counsel for the petitioners.

4. Perusal of record of the case reveals that the learned Family Court while passing the impugned order has taken into consideration the fact that although there is no documentary proof of the income of the respondent produced by the petitioners, however, as he is running an electric motor winding/repair shop at Tarn Taran, it has been estimated that the respondent is having an income of Rs.50,000/- per month.

5. It has also come on record that the petitioner No.1 herein is working as a Teacher. On a direct Court query, learned counsel for the petitioners submits that admittedly, petitioner No.1 was earlier working as a Teacher, however, at present she is doing nothing. In this regard, reference to judgment of Karnataka High Court rendered in **“Shilpashree J.M. Vs. Gurumanjunatha A.S” 2023 SCC Online Kar 36** is apposite, wherein it has been held that wife cannot sit idle and seek entire maintenance from estranged husband. Relevant part of said judgment is reproduced hereinbelow:-

“...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”

6. Accordingly, in the facts and circumstances of the present case as noticed above, I find no ground is made out to interfere in the impugned order.

7. **Dismissed.**

8. Pending application(s) if any also stand(s) disposed of.

01.09.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No