

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRR(F) 1058/2023
Date of decision: 26.07.2023.

Dharmo Devi

.....Petitioner

Vs.

Suresh Kumar

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rahul Makkar, Advocate for the petitioner.

Nidhi Gupta, J.

Prayer in this revision petition is for setting aside the order dated 1.6.2023 passed by Principal Judge, Family Court, Rohtak whereby petition under Section 125 Cr.PC qua petitioner-wife has been dismissed; however, the respondent has been held liable to pay a sum of Rs.9000/- per month, each to the single unmarried daughter, and son of the parties.

Ld. counsel for the petitioner submits that Family Court is in patent error in dismissing the petition under Section 125 Cr.PC qua petitioner. Ld. counsel submits that there are three children born out of the wedlock of petitioner and respondent. All the children are major. One daughter is married and living in her matrimonial home, and the 2nd daughter was working in a Government Hospital six months prior to filing of petition, while the son resides with the petitioner. It is submitted that petitioner has no source of income nor she possesses any moveable or immoveable property except the house where she is residing with her children. It is submitted that on the other

hand the respondent husband is earning salary of Rs.1.10 lacs per month as he is working as VLDA and posted in Silani, District Jhajjar. It is further submitted that respondent is also owner of two houses measuring 200 square yards, and 100 square yards, in Jhajjar and a plot measuring 240 sq. yards situated in Kalanaur. It is submitted that accordingly, the impugned order be set aside.

Heard ld. counsel.

Perusal of the record of the case reveals that the petitioner in her cross-examination as PW1 has admitted that the respondent-husband has transferred a plot measuring 240 square yards situated in Kalanaur in her favour. Petitioner in her cross-examination has further admitted that she is working as labourer and earning between Rs.15,000/- to Rs.20,000/- per month. Petitioner has further admitted in the present revision petition that the house in which she is currently residing with her children was transferred by the respondent in her favour. From the above facts, it is clear that the petitioner is able to maintain herself. Whereas it has been established on record that though the respondent is earning Rs.87,951/- per month, however, he has the liability of a loan.

Ld. Counsel for the petitioner is unable to dispute or controvert the above-said findings. In this view of the matter, no case for interference is made out.

Dismissed.

26.07.2023.
Joshi

(Nidhi Gupta)
Judge