

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CRR (F) No.1069 of 2023 (O&M)

Date of decision: 29.11.2023

Tara Chand

... Petitioner

Vs.

Bimla Devi

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ajay Kamboj, Advocate,
for the applicant-petitioner.

MANISHA BATRA, J.

CRM-42750-2023

The application is allowed, as prayed for and Annexures P-7
and P-8 are taken on record.

CRR (F) No.1069 of 2023 (O&M)

1. The instant petition has been filed by the petitioner challenging the order dated 01.04.2023 as passed by learned Principal Judge, Family Court, Sirsa, Camp at Dabwali in Maintenance Petition No.292 of 2021 titled as *Bimla Devi v. Tara Chand* filed under Section 125 of Cr.P.C. whereby the application of the respondent-wife for grant of interim maintenance had been allowed and the petitioner was directed to pay interim maintenance to the tune of Rs.4000/- per month to her.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned petition has been filed by the respondent against the present petitioner on the grounds that she was married with him 27 years back. Soon after the marriage, the petitioner

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and his family members had started taunting her on account of bringing insufficient dowry and she was mistreated and harassed by them. She was ultimately turned out of her matrimonial house. The petitioner had neglected and refused to maintain her. She was having no source of income whereas the petitioner who is a motorcycle mechanic and owns 10 acres of agricultural land, was earning a sum of Rs.50,000/- per month and was liable to maintain her.

3. The present petitioner has contested the petition filed by the respondent by alleging that infact the respondent was his second wife. In the year 1986, he was married to Bimla who was real sister of the respondent. The said Bimla had died in the year 1995 and then he was married with the respondent in the year 1996 whose actual name was Darshna. The respondent had turned out the children begotten from first wife of the petitioner, out of their house. The dispute between the parties was infact with regard to the property. The petitioner was a labourer and remained ill. The respondent had left her company without any reasonable cause. Therefore, he has prayed for dismissal of the petition as filed by the wife.

4. The learned Principal Judge partly allowed the application of the respondent-wife with direction to the present petitioner to pay interim maintenance @Rs.4,000/- per month from the date of filing of the application for grant of interim maintenance.

5. Learned counsel for the petitioner has argued that the impugned order is not sustainable in the eyes of law as the actual name of

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the respondent is Darshna and not Bimla and she is guilty of concealment of the same. She has voluntarily left the company of the petitioner. The petitioner is a labourer and is ailing person whereas the respondent wife is a skilled lady tailor and is capable of maintaining herself. The petitioner had also deposited money in the name of the respondent in the form of FDR and the same on maturity came to be Rs.2,24,698/- and has been withdrawn by the respondent. Hence, he has argued that he is not liable to make payment of any interim maintenance to the respondent and has urged that this petition deserves to be allowed.

6. I have heard learned counsel for the petitioner and have perused the record. The respondent is legally wedded wife of the petitioner husband. The allegation that her actual name is Darshna and she is guilty of concealment of the same is to be considered on the basis of evidence led during the trial of the petition, which is pending before learned Principal Judge. The parties are admittedly residing separately. The petitioner was also bound to place on record some affidavit showing as to what was his source of income which has not been placed on record of learned trial Court. Though the respondent also has not produced any material on record to show that the petitioner is earning a sum of Rs.50,000/- per month but the learned Principal Judge while assuming his income to be Rs.10-12 thousand per month only which is earned even by a casual labourer these days, has given direction to him to pay interim maintenance to the tune of Rs.4,000/- per month to the respondent-wife. The amount of interim maintenance which has been directed to be paid

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by him to the respondent cannot be stated to be excessive. It is the moral as well as legal obligation of the petitioner to maintain his wife. It is well settled that a wife is entitled to maintain a standard of living which is neither luxurious nor penurious and is also entitled to lead a decent life yet at par with the dignity and status of the husband and keeping in view the commitment of the petitioner to meet the needs and requirements of food, shelter and medical treatment etc. of his wife.

7. Keeping in view the facts and circumstances of the case, I am of the considered opinion that the learned trial Court had rightly directed the petitioner to pay an amount of Rs.4,000/- per month as interim maintenance to the respondent wife and this amount cannot be stated to be excessive or inconsistent with the status of the petitioner and is bare minimum and commensurate with her day to day requirement of food, lodging and medical expenses etc. It is well settled that order granting maintenance to helpless wife should not be lightly interfered with unless any illegality or manifest injustice is made out. No such illegality is, however, made out in this case in the impugned order. Therefore, I find no reason to interfere with the same. Accordingly, affirming the findings as given by learned trial Court, the revision petition is dismissed.

(MANISHA BATRA)
JUDGE

29.11.2023

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No