

Sr.No.109

2023:PHHC:145249

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

CRR(F)-1154-2023(O&M)

Date of decision:15.11.2023

Nitin

.....Petitioner

Versus

Babita Rani and another

.....Respondents

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. A.P.S.Nain, Advocate
for the petitioner.

Harpreet Kaur Jeewan, J.

1. Prayer in the present criminal revision petition is for quashing of the order dated 05.04.2023 passed by the learned Additional Principal Judge, Family Court, Karnal, whereby the petitioner has been directed to contribute a sum of Rs.4,000/- towards the interim maintenance awarded to the minor child of the parties-respondent No.2, during the pendency of the petition under Section 125 Cr.P.C.

2. Learned counsel for the petitioner contends that the Family Court did not consider the fact that the respondent-wife is working in Haryana Police and she is getting a salary amounting to Rs.18,000/- per month. She is also owner of agricultural land which is reflected from the copy of Jamabandi. The Family Court over-looked the fact that petitioner-husband is a labourer and having meager income of Rs.10,000/- per month. The agricultural land belongs to the father of the petitioner and the petitioner is not the owner of the said land. As such, the impugned order directing the petitioner to contribute a sum of Rs.4,000/- towards the expenses of the child is liable to be set aside.

3. I have considered the aforesaid contentions. Family Court has considered the affidavit filed by the respondent-wife qua her income, assets and expenditure while holding that her monthly income is Rs.18,000/- per month. No document has been placed on record by the petitioner-husband, contradicting the salary of the respondent-wife as such, the Family Court has rightly treated the income of the respondent-wife as Rs.18,000/- per month. So far as the income of the petitioner-husband is concerned he has himself mentioned in his affidavit dated 03.04.2023 that his monthly income is Rs.10,000/- per month. The Trial Court has taken note of the fact that father of the petitioner-husband is owner of the agricultural land regarding which the copies of the Jamabandi for the year 2017-2018 and for the year 2019-2020 were placed on record. Considering the petitioner as an able bodied person, the monthly income of the petitioner was treated as Rs.20,000/- per month. The Family Court had come to the conclusion that both the husband and wife are earning and it is their duty to maintain their minor child-respondent No.2. As such, observed that the expenditure of the minor child to the tune of Rs.5,000/- is to be contributed by both the husband and wife. Taking note of these facts, the Family Court has directed the petitioner –husband to pay a sum of Rs.4,000/- per month for the expenses of his minor child.

4. There is no illegality and perversity in the findings arrived at by the Family Court more so, when the impugned order is only interim in nature. Both the parties will get an opportunity to lead their respective evidence for the purpose of the decision of the petition on merits. There is no illegality or perversity in the order, directing the petitioner father to pay a sum of Rs.4,000/- as interim

maintenance to the minor child who is admittedly staying with his mother-respondent No.1. As such, the present petition is devoid of any merits and is accordingly dismissed.

15th November, 2023
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No