

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

340

CRR(F)-907-2022 (O&M)

Date of Decision : 25.05.2023

Virendra Chaudhary

..... Petitioner

Versus

Manalli Gawer and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Satbir Gill, Advocate
for the petitioner.

Dr. Anand Bishnoi, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. On 16.03.2023, the following order was passed :

“The petitioner, through the instant petition is seeking setting aside of order dated 30.07.2022 whereby Additional Principal Judge Family Court, Gurugram has allowed interim maintenance of Rs. 50,000/- per month i.e. Rs. 20,000/- per month to respondent No. 1(wife) and Rs. 30,000/- per month to respondent No. 2-minor son of the petitioner.

Learned counsel for the petitioner, at the outset, submits that respondent in her statement of assests and expenses had claimed that expenses of minor child are Rs. 20,000/- per month and Family Court has granted maintenance of Rs. 30,000/- per month to minor child. The respondent is MBA and prior to marriage, she was working and he is not aware whether at present she is working or not. He is not deflecting from his responsibility to maintain his wife and son, however, the amount of maintenance fixed by Family Court is

exorbitant.

On being asked, learned counsel for the petitioner submits that there are arrears to the tune of Rs. 24 lakh and the petitioner undertakes to pay Rs. 15 lakh by 23.5.2023.

Notice of motion returnable for 24.05.2023.

Mr. Anand Kumar Bishnoi, Advocate, filed vakalatnama on behalf of the respondents. The same is taken on record. Registry is directed to tag the same at an appropriate place.

In the meantime, the petitioner shall continue to pay a sum of Rs. 35,000/- per month to the respondents apart from payment of Rs. 15 lakh towards arrears, as undertaken by the petitioner.

It is made clear that petition stands dismissed if the petitioner fails to pay Rs. 15 lakh by 23.5.2023.”

2. The petitioner has not complied with afore-stated order. On being repeatedly asked, learned counsel for the petitioner submitted that the petitioner cannot comply with his commitment and he is unable even to pay Rs.5,00,000/- towards arrears.

3. I have perused the record and heard arguments of the learned counsel for the parties.

4. From the perusal of findings recorded by trial court while awarding maintenance allowance, it is succinctly clear that trial court has duly considered existence of marriage between the parties, income of the petitioner, income of the respondent, responsibility of the petitioner towards his legally wedded wife and children. It is settled proposition of law that amount of maintenance awarded must be in consonance with status of the family and income of the husband. The object of maintenance is to prevent

the wife and children from being driven to destitution and vagrancy. The

cost of living is skyrocketing, thus amount of maintenance awarded by impugned order, in no way can be called on the higher side. The Family Court has recorded that the petitioner has obtained false salary slips.

5. The petitioner being husband and father of minor child has social, moral, ethical and statutory responsibility to maintain his family. He is attempting to deflect from his responsibility which can neither be permitted nor appreciated by this court. The petitioner has failed to comply with his statement made before this Court at the time of notice of motion.

6. It is pertinent to mention here that by impugned order interim maintenance has been awarded and petitioner would get opportunity to put forth his all pleas at the time of final determination of quantum of maintenance.

7. Finding no factual or legal infirmity in the impugned order, warranting interference by this court, present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

25.05.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>