

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR-F-1321-2023 (O&M)
Date of decision: 14.09.2023

Sunil Kumar

...Petitioner(s)

Vs.

Ritu & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ashok K. Sharma, Advocate
for the petitioner.

NIDHI GUPTA, J.

Prayer in the present revision petition filed by the petitioner-husband is for setting aside order dated 18.07.2023 passed by learned Principal Judge, Family Court, Kaithal whereby in an application filed by the respondents under Section 125 Cr.P.C., the petitioner has been directed to pay interim maintenance of Rs.3,000/- per month to respondent No.1-wife and Rs.2,000/- per month to respondent No.2-daughter of the petitioner, along with one-time litigation expenses of Rs.3,000/-.

2. Learned counsel for the petitioner inter alia submits that the petitioner was married to respondent No.1 on 10.12.2015. Two daughters were born out of their wedlock. It is submitted that one daughter is in the custody of the petitioner whereas other daughter i.e. respondent No.2 herein is in the care and custody of respondent No.1. Learned counsel submits that the impugned order is patently unfair and unjust as it has been established on record that respondent-wife is well educated and

having better qualification than the petitioner and has been doing work of tailoring and is earning handsome money. It is submitted that the petitioner had brought the said facts to light before the learned Family Court by way of his reply (Annexure P2), however, the same have been ignored by the learned Family Court while passing the impugned order. Learned counsel states that he has other responsibilities inasmuch as he has old-aged parents to look after and therefore, exorbitant interim maintenance as awarded by the learned Family Court be set aside.

3. I have heard learned counsel for the petitioner.

4. Perusal of record of the case shows that admittedly, the petitioner is serving in ITBP. It has also been alleged that the petitioner is having agricultural land. Learned Family Court has duly noticed the petitioner's contention that respondent No.1 is doing tailoring work, however, has rejected the same as no document was placed on record by the petitioner in support of his said contention. On the other hand, it is admitted by the petitioner that he is serving in ITBP. However, even on a direct Court query, learned counsel for the petitioner has failed to apprise this Court of the salary being currently paid to the petitioner. Accordingly, in my view, as the petitioner is an able-bodied person, the learned Family Court has correctly assessed the income of the petitioner to be at least Rs.15,000/- to Rs.20,000/- per month as the minimum income admissible to a labourer.

5. In such circumstances, I find no error in the grant of Rs.3,000/- per month to respondent No.1 and Rs.2,000/- per month to

respondent No.2 as pendente lite maintenance. Present petition accordingly stands **dismissed**.

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

14.09.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No