

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

**CRR(F)-871-2022
Date of decision: 23.08.2023**

ROHTASH

..PETITIONER

VERSUS

BISMILLA @ SABINA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajit Sihah, Advocate for the petitioner.

Mr. DPS Joura, Advocate for respondent Nos.1 to 3.

VIVEK PURI,J. (ORAL)

1. Petitioner has assailed the order dated 18.08.2022 passed by the Court of learned Additional Principal Judge (Family Court), Hisar vide which interim maintenance @ Rs.6500/- per month (Rs.3500/- for respondent No.1 and Rs.1500/- each for respondent Nos.2 and 3) has been awarded in the proceedings under Section 125 Cr.P.C.
2. Learned counsel for the petitioner contends that respondent No.1 has withdrawn from the society of the petitioner without any sufficient cause and the petitioner is only working as a casual labourer.
3. Learned counsel for the respondents have submitted that the amount of maintenance cannot by any stretch of imagination be termed to be excessive as the monthly income of the petitioner has been assessed to be Rs.15,000/- per month.
4. In the instant case, the relationship between the parties has not been disputed. The matrimonial dispute has cropped up between the parties and the respondents are enforcing their claim for maintenance as per the provisions of

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5. Learned Court below has assessed the income of the petitioner to be Rs.15,000/- per month on the score that there is no proof with regard to his actual occupation and income. It has not been disputed that the petitioner is an able bodied person. An amount of Rs.6,500/- per month has been awarded for the wife and two children of the petitioner. Even, on the assumption that the petitioner is working as a casual labourer, the amount of interim maintenance awarded cannot by any stretch of imagination be termed to be excessive or not commensurate with the income of the petitioner.
6. No ground for interference is made.
7. In view of the above, the present petition is dismissed.

23.08.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No