

In the High Court of Punjab and Haryana at Chandigarh
106

CRR(F)-503 of 2021(O&M)

Date of Decision: 23.02.2023

Amit Manchanda

---Petitioner

versus

Nishu and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sumeet Goel, Senior Advocate with
Mr. Manav Bajaj, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

CRM-42416 of 2021

Allowed as prayed for.

Annexures P-1 to P-4 are taken on record. Registry is
directed to tag the same at an appropriate place.

CRR(F)-503 of 2021 (O&M)

The petitioner, through the instant petition is seeking
setting aside of order dated 01.09.2021 whereby Principal Judge
Family Court, Kurukshetra has allowed interim maintenance of
Rs. 16,000/- per month i.e. Rs. 10,000/- per month to respondent No.
1 (wife) and Rs. 6,000/- per month to respondent No. 2-minor
daughter of the petitioner.

The brief facts of the case are that marriage of the
petitioner was solemnized with respondent No. 1 on 29.04.2013 as per
Hindu rites and rituals. From this wedlock, one female child was born

on 14.07.2014. Unfortunately, the couple could not enjoy the fruits of marriage and respondent alongwith her daughter started staying separate from the petitioner. The respondent preferred a petitioner under Section 125 Cr.P.C. seeking maintenance for herself and her daughter. The petitioner filed petition before District Court, Gurugram seeking decree of divorce, however, the petition came to be transferred to District Judge, Kurukshetra by order dated 17.05.2018 passed by this Court in TA No. 945 of 2017. The respondent lodged FIR No. 275 dated 22.03.2017 under Sections 323, 498-A and 406 IPC against the petitioner, however, he came to be acquitted by JMIC, Kurukshetra vide order dated 23.07.2021. The Family Court, Kurukshetra vide order dated 01.09.2021 has granted interim maintenance of Rs. 10,000/- per month to the respondent-wife and Rs. 6000/- per month to respondent No. 2-minor daughter of the petitioner.

Learned counsel for the petitioner inter alia contends that wife is a well qualified lady and she was gainfully employed with Kurukshetra University, thus, she is competent to maintain herself still Family Court has awarded interim maintenance of Rs. 10,000/- per month to respondent-wife. He does not dispute maintenance qua daughter. The amount of maintenance awarded to wife is on the higher side because income of the petitioner is less than Rs. 20,000/- per month.

I have heard learned counsel for the petitioner and perused the records.

From the perusal of record and especially affidavit filed

by the petitioner, it is quite evident that he is BDS and has further attained Post Graduation Degree of M.Sc. (Anatomy) from Sardar Patel Government Medical College, Bikaner. The petitioner is admittedly running a private clinic, however, he is claiming that his monthly expenses Rs. 14,000/- are born by his brother. The petitioner is not disputing marriage with the respondent. The petitioner is not primarily disputing his liability towards his daughter and his only grievance is qua maintenance awarded to the wife. The petitioner is unable to furnish any evidence disclosing that wife is working and actually earning. In the absence of any documentary evidence, it is highly improbable to believe that respondent is working and earning to the extent that she is able to maintain herself. The petitioner is a qualified dental doctor and he is morally, ethically and statutorily duty bound to maintain his wife and daughter. The amount of maintenance awarded is interim maintenance and petitioner shall get an opportunity to put forth his stand at the time of determination of final maintenance. The Family Court is expected to look into status of the wife especially her financial status prior to passing of final order.

In view of the above observations, no interference is warranted.

Dismissed.

Pending miscellaneous applications, if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.02.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No