

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

**CRM-42007-2023 in/and
CRR(F)-1438 of 2023(O&M)
Date of decision:14.11.2023**

Jaswinder Singh

.....Petitioner

Versus

Anjali Bali and another

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Sanjeep Jain, Advocate with
Mr. Sachin Jain, Advocate
for the petitioner.

Harpreet Kaur Jeewan, J.(Oral)

CRM-42007-2023

For the reasons mentioned in the application, delay of 38
days in filing the petition is condoned, subject to all just exceptions.

Civil Misc. application stands allowed.

CRR(F) No.1438 of 2023(O&M)

1. Present revision petition has been filed impugning order dated 01.03.2023 passed by Additional Principal Judge, Family Court, Jalandhar whereby respondents No.2, minor child of the petitioner has been awarded a sum of Rs. 20,000/- per month as maintenance under Section 125 Code of Criminal Procedure (for reference, hereinafter referred to as "Cr.P.C").

2. Learned counsel for the petitioner contended that respondent No.1-wife is professionally qualified as she is a BAMS Doctor and earning handsome salary. The petitioner has the responsibility to pay the home loan as well as to take care of his old aged parents, as such the amount awarded is on a higher side and the impugned order is liable to be set aside.

3. It is further contended on behalf of the petitioner that income of the petitioner was wrongly assessed by the Family Court as Rs.1,25,000/-, whereas his gross salary is Rs. 1,00,616/- and net salary after deductions is Rs.80,943/- as per the salary slip (Annexure P-3). The Family Court has wrongly determined the salary of the petitioner-husband as Rs.1,25,000/- despite the fact that respondent No.1-wife has alleged in the petition under Section 125 Cr.P.C. (Annexure P-2) that the salary of the husband-petitioner is Rs.50,000/- per month. As such the impugned order is liable to be set aside.

4. I have considered the aforesaid submissions. The relationship between the parties is not disputed. The Family Court has considered the admissions made by the petitioner-wife in her affidavit regarding her income, her assets and liabilities, her employment as Ayurvedic Medical Officer and her monthly income as Rs.27,280/-. Considering the said admissions, the Family Court observed that respondent No.1-wife being working and able to maintain herself is not entitled for any maintenance. The said findings require no interference.

5. However, with regard to respondent No.2 Aarav Singh, who is the minor son of the parties, it was observed by the Family Court that he is living with respondent No.1-wife. It is also observed that

responsibility of healthy upbringing of a child is to be equally borne by both the parents. Even if for one or the other reasons, the husband and wife are residing separately from each other, it deprives the minor child of love and affection of either of the parents. The Family Court also observed that this would not reduce the responsibility of such parents to look after the interest and welfare of the minor child by properly maintaining the minor child. These observations are in resonance with the spirit of Section 125 Cr.P.C

6. So far as the income of the petitioner is concerned, the Family Court has taken into consideration the admission made by the petitioner that he is working as a teacher in the government school but there is a categorical findings that petitioner-husband did not file his affidavit of his income, assets and liability, despite availing numerous opportunities. As such his income was treated as above Rs.50,000/- being a teacher in a Government School.

7. Keeping in view such circumstances, where the fault is on the part of the petitioner by not producing his affidavit regarding his income, assets and liabilities declaration as per the directions by the Hon'ble Supreme Court in ***Rajnish vs. Neha, 2021(2) SCC 32***, the factual finding recorded by the Family Court cannot be doubted regarding salary of the petitioner-husband. Even as per salary certificate (Annexure P-3) attached with the present petition, the net salary of the petitioner-husband is Rs.80,943/-. As such, the maintenance awarded to the minor child of the parties to the tune of Rs.20,000/- is not on a higher side. There is no merit in the present petition and no interference is called for..

Consequently, present petition is dismissed.

8. Pending application(s), if any, shall also stand disposed of.

14th November, 2023

Shivani Kaushik

[HARPREET KAUR JEEWAN]

JUDGE

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