

In the High Court of Punjab and Haryana at Chandigarh
107

CRR(F)-1126 of 2022

Date of Decision: 13.02.2023

Abhimanyu

---Petitioner

versus

Pinki and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ajay Vijarania, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition is seeking setting aside of order dated 24.8.2022 whereby Additional Principal Judge (Family Court), Bhiwani- Camp at Loharu has allowed maintenance of Rs. 6,000/- per month to respondents i.e. Rs. 4,000/- to respondent No. 1-wife and Rs. 2,000/- to respondent No. 2-minor daughter of the petitioner.

Learned counsel for the petitioner inter alia contends that Family Court has not considered income of the respondent No.1 and order has been passed considering income and assests of the petitioner which is not in terms of law of land. The Family Court was duty bound to consider income of the respondent because she is working as a Clerk in Agriculture Department.

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

The relevant extracts of order dated 24.08.2022 read as:-

“There is nothing on record which could show that

the respondent is suffering from any ailment due to which his earning capacity has impaired. In these circumstances, keeping in view the fact that even if it is assumed that the respondent is a labourer then his monthly income would be in between Rs.18,000-20,000/-. Thus, the monthly income of the respondent is assessed as Rs.20,000/- and the petitioners being his legally wedded wife and daughter are entitled to live with same standard as that of the respondent. Striking a balance between the needs of both the parties, this Court thinks it appropriate to grant monthly maintenance to the tune of Rs.4,000/- per month to the petitioner No.1 and Rs.2,000/- per month to petitioner No.2. Accordingly, respondent is directed to pay a total amount to the tune of Rs.6,000/- per month to the petitioners as maintenance, from the date of filing of the present petition, besides Rs.5,500/- as litigation expenses. The petitioner No. 2 will get the amount of maintenance till her marriage as held by the Hon'ble apex Court in case titled as "Abhilash Versus Parkash and others, Criminal Appeal No. 615 of 2020 (arising out of SLP (Crl.) No. 8260/2018) decided on 15.09.2020. The petition stands allowed with no order as to costs. The amount of interim maintenance or any other

maintenance, if any received by the petitioners, during pendency of this petition, shall be adjusted in this amount. The petition stands disposed of accordingly. File be consigned to record room, after due compliance.”

Keeping in view the present cost of living; social and legal responsibility of the petitioner to maintain his family and maintenance awarded; this court does not find that amount of maintenance fixed by court below is on higher side, thus, the present petition deserves to be dismissed and is accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

13.02.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No