

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

**CRR(F)-47-2023 (O&M)
Date of Decision:12.01.2023**

RAJU MITTAL

..... Petitioner

Versus

BABY JAGRITI THR. HER MOTHER AND ANRS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Gaurav Singla, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition is seeking quashing of order dated 28.10.2022 whereby Additional Principal Judge, Family Court, Faridabad, in terms of Section 125 of Cr.P.C. has granted maintenance of Rs. 15,000/- per month to the respondent (daughter of the petitioner) even though maintenance to wife has been denied.

Learned counsel for the petitioner would submit that petitioner is bearing education and medical expenses of the child who is staying with her mother in the accommodation provided by the petitioner. The petitioner cannot be asked to pay maintenance while he is already paying education and medical expenses. The petitioner is further bearing electricity expenses as well as house tax of the respondents. He is ready and willing to pay Rs.15,000/-, however, he may not be burdened with cost of education expenses.

The petitioner admittedly solemnized marriage with mother of the respondent on 23.11.2010 and from this wedlock respondent namely baby Jagriti was born on 17.03.2012. The petitioner is morally,

socially and constitutionally liable to maintain his family members. The Trial Court has not awarded maintenance to wife of the petitioner considering various factors. The maintenance has been awarded to none else than daughter of the petitioner.

The petitioner is bearing education and medical expenses of the daughter on account of the love and affection and Trial Court has given colour to these expenses as statutory as well social obligation of the petitioner. The petitioner is not denying his liability and is ready to pay Rs.15,000/- per month, however, he is praying that he may not be further asked to pay cost of education because it would amount to double burden especially when he is already bearing substantial cost of wife as well as daughter which is evident from the fact that they are staying in ancestral house of the petitioner.

In view of the findings recorded by learned Trial Court and statement of learned counsel for the petitioner that petitioner is ready to pay Rs.15,000/- per month but may not be asked to pay cost of education, no interference is warranted. It is upto the petitioner to bear cost of education of the daughter/respondent which the petitioner is bearing out of love and affection. He is not statutorily bound to bear cost of education because maintenance has been awarded considering the costs of maintenance and education.

Disposed of.

(JAGMOHAN BANSAL)

JUDGE

12.01.2023

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>