

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

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**CRR(F)-1637-2023 (O&M)
Date of decision: 22.11.2023**

Sandeep**...Petitioner**

Versus

Anu Priya and another**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. B. S. Beniwal, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant revision petition has been filed by the petitioner challenging the order dated 27.09.2023, passed by the learned Additional Principal Judge, Family Court, Hisar (*for short 'Family Court'*) in maintenance petition No. 136 of 2020, titled as **Anu Priya vs. Sandeep**, whereby the petitioner had been directed to pay interim maintenance to the tune of Rs. 20,000/- per month to respondent No. 1, who is his wife, and an amount of Rs. 5,000/- per month to respondent No. 2, who is his minor child.

2. Brief facts of the case relevant for the purpose of disposal of the present case are that the respondents are shown to have filed the aforementioned maintenance petition on the ground that respondent No.1, along with respondent No. 2, has been thrown out of her matrimonial home by the present petitioner, who had been misbehaving with her. It was also alleged that the petitioner was posted as Examiner in Customs Department at Mumbai and was drawing salary of Rs.80,000/- per month at the time of

filing of the petition, whereas the respondents were unable to maintain themselves. Accordingly, by way of filing the aforesaid maintenance petition, they had prayed for grant of maintenance.

3. Learned counsel for the petitioner has argued that the impugned order is not sustainable in the eyes of law as the Family Court, while passing the same, ignored the fact that respondent No. 1-wife had not filed any affidavit before it to show her source of income or to claim that she was not capable of maintaining herself. He also argued that respondent No. 1 is a well educated person, who is fully capable of maintaining herself, whereas he is taking care of his ailing parents and spending huge amount on their treatment and for engaging domestic help etc. for them. He further argued that the amount of maintenance, as awarded, was excessive and hence, he urged that the impugned order be set aside.

4. I have heard learned counsel for the petitioner and have gone through the material placed on record very carefully.

5. Admittely, the petitioner is serving in Customs Department and is a Govt. Employee. It is admitted by him that his monthly salary is Rs. 96,433/- presently. It is also not disputed that the respondents, who are his wife and minor child, respectively, are residing separately from him since long. There is nothing on record to show that he has made any efforts to rehabilitate them with him. There is also nothing to show that the respondents are capable of maintaining themselves. Rather, there can be no question of respondent No. 2 maintaining himself. A woman, who is constrained to leave the matrimonial home, should not be allowed to feel that she has fallen from grace and move hither and thither arranging for

sustenance. As per law, she is entitled to lead a life in the similar manner as she would have lived in the house of her husband. As long as the wife is held entitled to grant of maintenance within the parameters of Section 125 of Cr.P.C., it has to be adequate so that she can live with dignity as she would have lived in her matrimonial home. She cannot be compelled to become a destitute or a beggar. There can be no shadow of doubt that an order under Section 125 Cr.P.C. can be passed if a person despite having sufficient means neglects or refuses to maintain the wife. If the husband is earning enough and is in a position to support himself, he is under the legal obligation to support his wife and children as well.

6. Taking all the aforesaid factors into consideration, this Court is of the opinion that the amount of maintenance, so awarded to the respondents, is quite justifiable. As such, finding no merit in the petition, the same is dismissed.

22.11.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes