

In the High Court of Punjab and Haryana at Chandigarh

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CRR(F)- 23 of 2023

Date of Decision: 9.1.2023

Ravi Kumar Mehta

---Petitioner

versus

Smt. Suman and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.P.K.Ganga, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through the instant petition is seeking setting aside of order dated 2.12.2022 whereby Principal Judge Family Court, Bhiwani has allowed maintenance of Rs. 13,000/- to the respondent No. 1-wife and Rs. 7,000/- per month each to respondents No. 2 and 3 (minor children).

Learned counsel for the petitioner inter alia contends that petitioner has purchased 6 kanal 10 marla land in the name of his wife and she is getting rental income approximately Rs. 50,000/- per month from the said land. He further states that one poultry farm has been established over the said land. The petitioner is getting salary, in hand, Rs. 59,000/- per month. The petitioner is paying monthly instalment of Rs. 22,000/- with respect to land which he purchased in the name of his wife. The amount of maintenance awarded is on the higher side.

Admittedly, the petitioner is working as a Government teacher and his monthly salary is Rs. 82,000/-. The Court below has awarded interim maintenance of Rs. 13,000/- to wife and Rs. 7000/- each to two minor children of the petitioner. The petitioner has vehemently argued that wife is getting Rs. 50,000/- as rental income from 6 kanal 10 marla land over which a poultry farm has been set up, however, there is no documentary evidence on record disclosing that wife is getting Rs. 50,000/- per month as rent with respect to said land. Even otherwise, this Court is of the prima facie opinion that land is situated in a village and it is 6 kanal and 10 marla which cannot fetch Rs. 50,000/- per month as rent. The children are minor. The father is equally responsible for the maintenance of the children, he cannot be absolved from his responsibility. It appears that petitioner is trying to deflect from his responsibility which cannot be permitted and appreciated by Court.

Keeping in view, income of the petitioner as well as status of the family and the fact that maintenance awarded is interim, this court does not find that amount of maintenance fixed by court below is on the higher side, thus, the present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

9.1.2023

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No