

Sr.No.121

2023:PHHC:163193

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

CRR(F)-1787-2023(O&M)

Date of decision:18.12.2023

Satveer Kaur

.....Petitioner

Versus

Sarbaj Singh

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Harpreet Kaur Jeewan, J.(Oral)

1. Present criminal revision petition has been filed against the order dated 07.11.2023 passed by Family Court, Sri Muktsar Sahib at Camp Court, Malout thereby seeking enhancement of the interim maintenance awarded to the petitioner from Rs.12,000/- per month to Rs.40,000/- alongwith Rs.15,000/- litigation expenses..

2. Learned counsel for the petitioner *inter alia* contends that despite the intervention of the Panchayat in the month of February, 2019, the respondent-husband did not mend his ways and ultimately the petitioner had to resort to registration of two FIRs against the respondent. Petitioner was turned out of her matrimonial house and she was given beatings by the respondent. She is not having any source of income whereas the respondent has filed a divorce petition against the petitioner and he is the owner of a huge agricultural land and earning more than Rs.13 lakhs per year. Despite that a meagre amount of Rs.12,000/- has been awarded to the petitioner, as such the petitioner is entitled to enhancement of such amount.

3. I have considered the aforesaid contentions.

4. As per the facts on record, marriage of the petitioner was solemnized with the respondent on 06.03.2016. After marriage there was dispute between the parties. The Panchayats were convened in February 2019 and ultimately, the petitioner-wife got registered two FIRs against the respondent-husband bearing No.104 under Sections 336/341/427/506/148/149 of IPC and 25/27/54/59 of Arms Act, 1959, Police Station Kabarwal and another FIR is also registered at Police Station Abohar under Sections 323/324/325 of IPC, 1860. It is further alleged by the petitioner-wife that the respondent is a drug addict and used to beat the petitioner under the influence of the drugs. However, respondent is having source of income and is also an owner of 25-26 killas of agricultural land at village Pakki Tibbi and is earning more than Rs.30 lakhs per annum. Despite that, he was not paying any maintenance to the petitioner-wife.

5. The petitioner filed a petition under Section 125 Cr.P.C. before the Family Court, Sri Muktsar Sahib at Camp Court, Malout. The said petition (Annexure P-2) was contested by the respondent by way of filing reply (Annexure P-3). During the pendency of that petition, the petitioner filed an affidavit regarding her assets and liabilities (Annexure P-5) before the Family Court whereas the respondent-husband also filed similar affidavit regarding his assets and liabilities (Annexure P-6).

6. After considering the contentions on behalf of both the parties and appreciating the affidavits filed by both the parties, the Family Court awarded a sum of Rs.12,000/- per month to the petitioner-wife as interim maintenance with effect from the date of filing of the said application. The said amount is to be paid by the respondent-husband during the pendency of the main petition filed under Section 125 Cr.P.C.

7. As per record the relationship between the parties is admitted. The parties are living separately. The wife has got registered two FIRs. The allegations leveled by the petitioner and the counter allegations leveled by the respondent-husband are subject to adjudication on merits. At the time of granting the interim maintenance during the pendency of petition under 125 Cr.P.C., the Family Court has rightly taken note of the admissions made by the respondent-husband that he is the owner of 16 acres of land, however, it was alleged that there is water logging in the said land. As per the affidavit of the respondent, he is residing in a rented accommodation and his alleged expenditure is Rs.18,000/- per month. Considering the annual income of the respondent-husband as Rs.4 lakhs from the agricultural land, the Family Court has rightly quantified the interim maintenance as Rs.12,000/- per month. Both the parties will get an opportunity to lead evidence to prove their allegations and to dispute the counter allegations of the opposite parties.

8. Keeping in view the facts and circumstances of the present case and keeping in view the intent of the provisions of Section 125 Cr.P.C which is to prevent destitution and vagrancy of the petitioner and not enrichment of one party, there is nothing on record to suggest that the impugned order is suffering from any illegality and irregularity. No grounds are made out to set aside the impugned order dated 07.11.2023 which is well reasoned.

9. There is no merit in the present petition and the same is accordingly dismissed.

10. Pending application, if any, shall also stand disposed of.

18th December, 2023

Shivani Kaushik

Whether speaking/reasoned

Whether Reportable

[HARPREET KAUR JEEWAN]

JUDGE

Yes/No

Yes/No