

**CRR(F)-85-2024 (O&M)****-1-****116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR(F)-85-2024 (O&M)****Date of Decision: 12.08.2024****MANISH RAJ****.....PETITIONER****Vs.****NEELAM AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN****Present:-** Mr. Surender Saini , Advocate,
for the petitioner.***********HARPREET KAUR JEEWAN J. (ORAL)**

1. Prayer in the present Criminal Revision Petition is for setting aside the judgment dated 13.09.2023 passed by the learned Principal Judge, Family Court, Sonipat, whereby the petitioner has been directed to pay a sum of Rs. 3,000/- per month each to the respondent No. 1-wife and respondent No. 2-minor son.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is not having money. He is not working now and is just merely surviving, as such, he is unable to pay the amount to the respondents.

3. It is further contended that the respondent-wife had left the house after giving birth to the child, as such, she is not entitled to any maintenance under the provisions of Section 125 Cr.P.C.

4. I have considered the aforesaid contentions and perused the paper-book.

5. It is not disputed that the marriage of the petitioner with respondent No. 1 was solemnized on 16.02.2021. The respondents filed a

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petition under Section 125 Cr.P.C. against the petitioner with the allegations that there is demand of dowry articles, including motor-cycle and a car, as such, the petitioner-husband used to harass respondent No. 1-wife.

6. On the other hand, the petitioner-husband contested the petition and took a plea that he is the only son of his parents and his father is working as a Driver in the Delhi Transport Corporation. His mother is working as '*Gramin Safai Karamchhari*' in the village. Though the petitioner-husband used to live alone in the house, however, after two months of marriage, the respondent-wife started pressurizing him to live separate from the family. The petitioner-husband did not accede to the said demand and after giving birth to a child, respondent No. 1-wife left the matrimonial home without the consent of the petitioner and she did not come back despite several Panchayat meetings were held. The petitioner-husband had taken a plea that he is a casual worker and is earning ₹6,000/- per month whereas respondent No.1-wife is graduate and trained in tailoring work.

7. The Family Court after considering the evidence led by both the parties awarded a sum of ₹3,000/- per month each to the respondents as maintenance and it was observed that there is no documentary that respondent No. 1-wife is working and having any income. The affidavit filed by respondent No. 1-wife and her bank account statements annexed with the said affidavits were also considered and the Family Court observed that she is having a meager amount deposited in the said accounts. It was observed that the petitioner is able bodied person. He was presumed to be a labourer as such his monthly income was assessed between Rs. 15,000/- to **Rs. 20,000/-** per month.

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8. As per the order dated 22.04.2024, the petitioner was directed to file an affidavit to show his *bona fide* as to how much arrears have been paid and how much amount is pending so far. Despite obtaining two accommodations, the said affidavit has not been filed.

9. Today, counsel for the petitioner has informed that the petitioner cannot pay the amount as he is not having any income, as such he did not file an affidavit, in compliance of the order dated 22.04.2024.

10. Keeping in view the detailed reasoned order passed by the learned Family Court and also considering the fact that the petitioner could not bring any documentary proof that respondent No. 1-wife, who has no source of income, is a working woman and also considering the fact that the minor child is in the custody of respondent No. 1-wife, no interference is made out in the order dated 13.09.2023 passed by the learned Family Court, Sonipat.

11. Consequently, the present petition stands dismissed.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

August 12, 2024

Nitin/

(HARPREET KAUR JEEWAN)**JUDGE**

Whether Speaking	Yes
Whether reportable	No