

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

115

CRR (F) No.79 of 2024
Date of decision: 01.03.2024

Sanjay ... Petitioner

Vs.

Smt. Radhika and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vinod K.Kaushal, Advocate,
for the petitioner.

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioner challenging the order dated 16.10.2023 whereby he was directed to pay an amount of Rs.4000/- per month to respondent No.1 and Rs.2000/- per month to respondent No.2 in Maintenance Petition No.MNT125/313 of 2021 titled as *Smt. Radhika and another v. Sanjay*.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the respondents who are wife and son respectively of the present petitioner have filed a petition under Section 125 of Cr.P.C. as against him alleging therein they have been neglected and refused to be maintained by him and seeking grant of maintenance from him. Along with the main petition, they filed an application for grant of interim maintenance as well. The learned Principal Judge, Family Court,

Yamunanagar after considering the pleadings of the parties as pleaded in the petition and written statement respectively, came to the conclusion that though the present petitioner in his affidavit has submitted that he is unemployed but since a daily wager also does not earn less than an amount of Rs.12000/- per month, hence he has been directed to pay the aforementioned amount.

3. It is submitted in the petition and learned counsel for the petitioner has argued that the impugned order is not sustainable in the eyes of law as while passing the same, the learned Family Court ignored the fact that the respondent No.1 wife had left his company at his own. She had been pressurizing him to live separately from his parents. The petitioner is only doing labour work in Bhawna Tent house and is earning meager amount of money. He had never neglected and refused to maintain the respondents and is still willing to do so and infact it is he who has been deserted by respondent No.1. It is further argued that since he had even filed affidavit to the effect that he was an unemployed person and was only doing labour work, therefore, the learned Family Court had gravely erred in still directing him to pay an amount of Rs.6000/- per month to the respondents which is excessive and which he is not in a position to pay at all.

4. I have heard learned counsel for the petitioner at considerable length and have gone through the record carefully.

5. On a perusal of the impugned order, it is revealed that the respondent No.1 had claimed that the present petitioner was earning a

sum of about Rs.35,000/- per month by supplying labourer in marriage and other functions and is also a supplier of confectionary items whereas, according to the petitioner, he is unemployed and earns only a sum of Rs.7000/- per month by working as a labourer in Bhawna Tent House. The pleadings as filed in the reply of the petitioner themselves appear to be contradictory as at one stage, he is claiming to be unemployed and at the same time, he says that he is earning a sum of Rs.7000/- per month. There is nothing on record to show that he is physically weak as claimed by him or is an unemployed person. The amount of maintenance which has been directed to be paid by him to the respondents cannot be stated to be excessive. It is the moral as well as legal obligation of the petitioner to maintain his wife and child. It is well settled that a wife is entitled to maintain a standard of living which is neither luxurious nor penurious and is also entitled to lead a decent life yet at par with the dignity and status of the husband and keeping in view the commitment of the petitioner to meet the needs and requirements of food, shelter and medical treatment etc. of his wife as well as his child.

6. Keeping in view the facts and circumstances of the case, I am of the considered opinion that the learned Family Court had rightly directed the petitioner to pay an amount of Rs.4000/- per month to the respondent-wife and Rs.2000/- per month to his son and this amount cannot be stated to be excessive or inconsistent with the status of the petitioner and is bare minimum and commensurate with the day to day requirement of food, lodging, education and medical expenses etc. of the

minor respondent also. It is well settled that order granting maintenance to helpless wife and child should not be lightly interfered with unless any illegality or manifest injustice is made out. No such illegality is, however, made out in this case in the impugned order. Therefore, I find no reason to interfere with the same. Accordingly, affirming the findings as given by learned Family Court, the revision petition is dismissed.

01.03.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No