

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-176-2024(O&M)

Date of order: 18.04.2024

Sachin Soni

.....Petitioner(s)

Vs.

Mohini Verma @ Sheetal & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Roopak Bansal, Advocate
for the petitioner.

Nidhi Gupta, J.

Prayer in the present petition is for setting aside order dated 15.11.2023 whereby the learned Principal District Judge, Family Court, Faridabad has partly allowed the petition of the respondents filed under Section 125 Cr.P.C., and directed the petitioner to pay a sum of Rs.8,000/- per month as final maintenance, to respondent No.2/minor daughter of the petitioner from the date of filing of the petition till the date of her attaining majority.

2. Learned counsel for the petitioner inter alia submits that vide the impugned order, the petition filed by the respondents under Section 125 Cr.P.C. was partly allowed and petitioner has been directed to pay Rs.8,000/- per month as maintenance to respondent No.2/minor daughter of the petitioner. As respondent No.1/wife was already receiving Rs.3,000/- per month as maintenance in a proceeding filed by her under

the DV Act, and also because respondent no.1 was earning, she was not granted any maintenance vide the impugned order.

3. Learned counsel contends that the impugned order deserves to be set aside as respondent No.1 had left the matrimonial home without any reasonable cause. Moreover, respondent No.1 is gainfully employed with Maharani Paint Company and is earning Rs.25,000/- per month whereas the petitioner is earning only Rs.7,000/- per month. Therefore, the respondent no.1 is well able to maintain herself as well as the minor child.

4. Learned counsel further submits that in passing the impugned order, the learned Family Court has failed to appreciate the evidence produced by the petitioner and also did not appreciate the defence taken by the petitioner in his written statement wherein he has specifically stated that the petitioner is earning only Rs.7,000/- per month. It is further contended that learned Family Court did not even consider the fact that parents of the petitioner are totally dependent on him as they are now old aged and suffering from various diseases. It is prayed that accordingly, the impugned maintenance as granted to respondent No.2 be set aside.

5. No other argument is made on behalf of the petitioner.

6. I have heard learned counsel for the petitioner and perused the case file in detail.

7. Perusal of record of the case shows that petitioner was married to respondent No.1 on 29.02.2016. One child/respondent No.2 was

born out of this wedlock on 13.01.2017. Thereafter, due to matrimonial discord between the parties, they started living separately. Subsequently, on 04.09.2018 the respondents filed the present petition under Section 125 Cr.P.C. before learned Principal Judge, Family Court, Faridabad.

8. Perusal of record further shows that it has been clearly recorded in the impugned order that unlike respondent No.1, who had fairly disclosed her income before the learned Family Court, the petitioner did not come clean. The respondent No.1 had candidly admitted that she was employed with M/s Teamlease Services Limited on contract basis from where she was deriving an income of Rs.20,000/- per month. She had not attempted to mislead the Family Court. On the other hand, the petitioner had continuously claimed before the learned Family Court that he is a poor person and did not have sufficient financial means to bear the maintenance of his wife and minor daughter, as pleaded by him in his written statement as well as affidavit (Ex.RW1/A). Furthermore, although, the petitioner had filed his affidavit of income and assets before the learned Family Court, however, he had failed to place on record his bank account statements for the past three years. Even otherwise, various discrepancies were found in the evidence led by petitioner inasmuch as in his reply, the petitioner had taken the stand that the workshop where he was employed, belonged to a relative. However, in his cross-examination, he claimed that at the time of his marriage, the workshop was in the name of his father and his father did not pay any salary to the petitioner. Accordingly, learned Family Court clearly observed in Para 16 of the Impugned order that “...*the pleadings and statements made respondent are clearly aimed at misleading the court...*”.

9. The learned Family Court further return the following findings in Para 17 of the impugned order as under:-

“17. Respondent's affidavit of income and assets is also quite vague and evasive in nature. Most of the columns of said affidavit have been left blank. In the affidavit, he claimed that his monthly income is Rupees nil, but as RW-1 he claimed that he is earning Rs.7,000/- per month. He did not disclose any name or particulars of the company from where he is earning Rs.7,000/- per month. During arguments, it was claimed that he is working in the workshop of his relative and the relative gives him some money as salary. It can be seen that the respondent has concealed the material facts from the court. Deliberately he did not file his bank accounts statements for concealing the bank account transactions, monthly or annual income etc. In the affidavit in part - VI, he left those columns blank which were meant for giving details of all bank accounts. He claimed that his cash in hand Rs.500/-, a statement which cannot be believed by any stretch of imagination. Even labourers and beggars carry more cash in hand when compared with the statement of respondent.”

10. As such, learned Family Court concluded that the petitioner has *“....totally concealed his source of income. He tried to mislead the court by way of falsely claiming that he is not earning anything. As he did not file his bank account statement and did not disclose the name or particulars of relative who is allegedly running the workshop, therefore, an adverse inference is being drawn against respondent...”*

11. Ld. Counsel for the petitioner has not disputed the above said findings. Even otherwise, no ground is made out to interfere in the impugned order as the relationship between the parties is admitted.

Furthermore, respondent No.2 is in the care and custody of the respondent No.1. As such, it is respondent No.1 who is solely responsible for the day-to-day care and welfare of the minor child. As a father, the least that can be done by the petitioner is to provide some financial assistance for the maintenance and well-being of minor child.

12. In view of the above, I find no merit in the present petition, and the same accordingly, stands **dismissed**.

13. Pending application(s) if any also stand(s) disposed of.

18.04.2024	(Nidhi Gupta)
Sunena	Judge
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No