

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-224-2024 (O&M)
Date of order: 15.02.2024

Jagjit Singh

.....Petitioner(s)

Vs.

Gurjeet Kaur & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Nikhil Mittal, Advocate
for the petitioner.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 09.01.2024 passed by learned Principal Judge, Family Court, Camp Court at Assandh, District Karnal, vide which an amount of Rs.25,000/- per month has been granted as interim maintenance to the respondent No.2/ minor child, of which Rs.20,000/- has to be paid by the petitioner-father and Rs.5,000/- has to be paid by the respondent No.1-mother.

2. Learned counsel for the petitioner inter alia submits that the petitioner was married to respondent No.1 on 02.12.2018. One son/respondent No.2 herein, was born out of their wedlock. He is in the care and custody of respondent No.1. It is submitted that vide the impugned order, both the parents have been held capable and responsible for the welfare of their minor son. A total sum of Rs.25,000/- has been granted by way of interim maintenance to respondent No.2, of which, Rs.20,000/- per month is payable by the petitioner; whereas respondent No.1/wife has been directed to pay only Rs.5,000/- per month.

3. Ld. Counsel contends that the said direction qua the petitioner is unfair and unjust as the net income of the petitioner is only about Rs.66,000/- per month; and the petitioner has other responsibilities and liabilities inasmuch as he has an aged mother who is dependent upon the petitioner. Moreover respondent No.1 is also a working lady and has a salary package of not less than Rs.9 lakh per annum, which is sufficient for the comfortable living and maintenance of both the respondents. In any event, respondent No.1 has herself admitted that she is a JBT Teacher and is drawing a monthly salary of almost Rs.56,000/-, as is evident from her affidavit of assets and liabilities (Annexure P5). It is accordingly, prayed that the impugned order be set aside.

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

5. I have heard learned counsel for the petitioner.

6. Needless to say, it is the moral duty and obligation of both parents to look after their child. In the present case, the minor child is admittedly in the care and custody of respondent No.1/wife, therefore, she is primarily responsible for his mental and physical well-being, as also his day-to-day care. In these circumstances, I find that the learned Family Court has passed a very reasonable and just order. It is keeping in mind the fact that the respondent No.1 is a working woman, that the learned Family Court has made her liable to contribute Rs.5,000/- per month in the maintenance of respondent No.2.

7. Moreover, the petitioner has placed nothing on record to show that he has any other liabilities or responsibilities. In fact, perusal of the record also shows that as per the salary slip of the petitioner for the

month of December, 2023, placed on record before the learned Family Court, his monthly gross pay was over Rs.1 lakh per month.

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

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

15.02.2024
Sunena

(Nidhi Gupta)
Judge

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