

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

114

CRR-F-288-2024 (O&M)
Date of order: 26.02.2024

Aajam

.....Petitioner(s)

Vs.

Jahan Nazir

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajesh Lamba, Advocate
for the petitioner.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 02.02.2024 passed by learned Principal Judge, Family Court, Nuh, whereby in an application filed by the respondent/wife under Section 125 Cr.P.C. an amount of Rs.10,000/- per month has been granted as interim maintenance to the minor daughter of the petitioner and respondent.

2. Learned counsel for the petitioner inter alia submits that the petitioner was married to the respondent on 27.04.2018. One daughter was born out of their wedlock. It is submitted that vide the impugned order, the petitioner/husband as well as the respondent/wife have both been directed to pay a sum of Rs.10,000/- per month as interim maintenance to their minor daughter. Learned counsel contends that the minor child of the parties is studying in Nursery class and as such, her expenses will not be to the tune of Rs.20,000/- per month. Moreover, the respondent/wife is also earning. Therefore, the petitioner has been wrongly directed to pay maintenance as above.

3. Learned counsel further contends that vide the impugned order the petitioner has been directed to deposit the amount of interim maintenance in the account of respondent/wife. Ld. Counsel makes the puerile argument that therefore, in fact, the maintenance is being given to the respondent/wife and not to the child; and that the petitioner will have no proof that the respondent will also deposit Rs.10,000/- in her account for the child.

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

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

6. I find no merit whatsoever in the arguments raised on behalf of the petitioner. Admittedly, the petitioner is Post-Graduate and working as Extension Lecturer at Dronacharya Government College, Gurugram, Haryana. It is the case of the petitioner that he is drawing a salary of Rs.57,700/-. However, it has come on record that as per the photocopy of bank account statement of the petitioner w.e.f. 01.05.2021 to 30.09.2021, in the month of May, an amount of Rs.1,00,176/- was credited in his account; in the month of June, an amount of Rs.2,50,355/- was credited; in July, an amount of Rs.93,074/- was credited; in August, an amount of Rs.1,07,229/- was credited; and in the month of September, an amount of Rs.34,717/- was credited in the account of the petitioner. No explanation has been given by the petitioner in respect of the said credit entries in his account.

7. It is the argument on behalf of the petitioner that respondent/wife is also earning Rs.57,700/-; and therefore, he was unfairly

directed to pay the maintenance to the minor child. The said argument is liable to be rejected as admittedly, the respondent/wife is single-handedly taking care of the day-to-day requirements of the minor child. Moreover, it is admitted case on record that the minor child is 3-and-a-half-years old and is studying in Nursery class. The first receipt of school fees of the minor child was for a sum of Rs.16,225/-; and the second receipt for the months from July to September, 2023 is Rs.7500/-. Furthermore, it is established position in law that the child is entitled to maintain the same standard as that of the petitioner.

8. I am in concurrence with the reasonings given by learned Family Court in impugned order dated 02.02.2024.
9. In view of the above, I find no merit in the present petition, and the same is accordingly **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

26.02.2024
Sunena

(Nidhi Gupta)
Judge

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