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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR (F)-287-2023 (O&M)

Date of Decision: 21.03.2024

RAJNISH

.....PETITIONER

Vs.

SMT. DARSHANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Bhavdeep Singh Mamli, Advocate,
for the petitioner.

Mr. S.K. Bishnoi, Advocate,
for the respondent.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present Criminal Revision Petition has been filed for quashing the order dated 16.01.2023, passed by the learned Principal Judge, Family Court, Fatehabad, whereby an interim maintenance of ₹3,500/- per month was granted to the respondent-wife in a petition under Section 125 Cr.P.C.

2 Learned counsel for the petitioner *inter alia* contends that the land was transferred in the name of the respondent-wife. This fact has not been taken into consideration by the learned Family Court. The petitioner is not earning, as such, he is unable to pay the interim maintenance awarded by the Family Court.

3. Learned counsel for the respondent contends that the petitioner has not paid any arrears in terms of the impugned order. Referring to the reasoning recorded by the Family Court, it is contended that the order is well reasoned and there is no ground for interference.

4. I have considered the aforesaid contentions and perused the paper-book. The petitioner has contested the petition and filed a written reply whereby he admitted the relationship *inter se* the parties. He has admitted that he is working as a labourer and his monthly income is ₹7,000/- to ₹8,000/- per month. Both the parties have filed their affidavits regarding their income and assets. The Family Court has awarded a sum of ₹3,500/- per month maintenance, which is interim in nature.

5. The contentions that the petitioner has transferred his land or that the respondent is earning sufficient income out of the land which is alleged to be transferred to the petitioner is a matter of trial. At the time of deciding the application for interim maintenance, no such document was placed on record which could have been appreciated by the Family Court to consider that the respondent-wife is earning. It is admitted that both the parties are residing separately. The petitioner is 42 years of age and is expected to earn, as such, he has the legal duty to maintain his wife. The order passed by the Family Court is well reasoned. No ground for interference is made out.

6. Consequently, the petition stands dismissed.

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

March 21, 2024

(HARPREET KAUR JEEWAN)

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JUDGE

Whether Speaking	Yes/No
Whether reportable	Yes/No