

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

113

CRR-F-280-2024 (O&M)
Date of order: 26.02.2024

Bhupender

.....Petitioner(s)

Vs.

Poonam & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Dr. Naresh Kaushik, Advocate
for the petitioner.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 06.02.2024 passed by learned Principal Judge, Family Court, Bhiwani, whereby in an application filed by the respondents under Section 125 Cr.P.C., an amount of Rs.10,000/- per month has been granted as interim maintenance to respondent No.1/wife.

2. Learned counsel for the petitioner inter alia submits that the petitioner was married to respondent No.1 on 10.12.2020. One daughter/respondent No.2 herein, was born out of their wedlock. It is submitted that the interim order is on the face of it not maintainable as it has been passed on the presumption that the petitioner is earning Rs.20,000/- per month. It is submitted that there was no basis on which the said incorrect presumption has been drawn by the learned Family Court, and therefore, the impugned order deserves to be set aside.

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

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

5. Perusal of record of the case shows that it was the case of respondent No.1/wife before the learned Family Court that the petitioner was well qualified and is serving in BTM Mill, Bhiwani, from where he was drawing a salary of Rs.30,000/- per month. Besides that, he was also stated to be owner in possession of agricultural land from which

he was earning Rs.10,000/- per month. Accordingly, total income of the petitioner according to respondent No.1/wife was Rs.40,000/- per month. However, in the impugned order it has been noted by the Id. Family Court that no documentary proof was produced by respondent No.1 to prove the above said earnings of the petitioner. At the same time, the petitioner also failed to file his affidavit of income, assets, liabilities and expenditure, in compliance of directions of the Hon’ble Supreme Court passed in “**Rajnish Vs. Neha & Another**” 2020 (4) RCR (Criminal) 879, Law Finder Doc ID # 1760057.

6. It was in these circumstances that the Id. Family Court took income of the petitioner as Rs.20,000/- per month; and had accordingly granted a sum of Rs.10,000/- per month as interim maintenance to respondent No.1/wife from the date of filing the application. At present, even on a direct Court query, learned counsel for the petitioner has not informed this Court as to what is the income of the petitioner on date.

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

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

26.02.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No