

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-319-2024 (O&M)

Date of order: 04.03.2024

Aabroon & Another

.....Petitioner(s)

Vs.

Aslam

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashish Jhamb, Advocate
for the petitioners.

Nidhi Gupta, J.

Challenge in the present petition is to the order dated 16.01.2024 passed by learned Additional Principal Judge, Family Court, Faridabad, whereby in an application filed by the petitioners under Section 125 Cr.P.C., an amount of Rs.6,000/- per month has been granted as interim maintenance (Rs.4,000/- to petitioner No.1/wife and Rs.2,000/- to petitioner No.2/child) from the date of filing the application till disposal of the main petition.

2. Learned counsel for the petitioners inter alia submits that petitioner No.1 was married to the respondent on 13.02.2020. Petitioner No.2 was born out of their wedlock. It is submitted that the petitioners had proven before the learned Family Court that the respondent is earning Rs.50,000/- per month as he is a Civil Engineer and is running his own firm under the name of Shree Cement Limited at Ballabgarh. However, despite that, the petitioners have been granted a meager interim maintenance of only Rs.6,000/- per month. It is further

submitted that as per affidavit of assets and liabilities dated 27.09.2023 (Annexure P3) furnished by petitioner No.1/wife before the Id. Family Court, she has claimed that she is 8th class pass and she has no source of income and is residing in her parental house at their mercy. It is therefore, prayed that the interim maintenance as granted by the learned Family Court be enhanced.

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

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

5. As regards the contention of learned counsel for the petitioners that the respondent was drawing the salary of ₹50,000 per month, the learned Family Court has given following findings:-

“6. Since no evidence regarding earnings of applicant no.1 has been tendered on file by the respondent, so she is entitled for maintenance. The applicant no.1 has also failed to substantiate her plea that the respondent is earning Rs.50,000/- per month. However, in his income and assets affidavit, the respondent has admitted his monthly salary as Rs.29,450/- per month. Admission is the best evidence. Thus, his monthly salary is considered as Rs.29,450/- per month for computation of interim maintenance”.

6. Perusal of record of the case shows that as per affidavit of assets and liabilities dated 11.10.2023 (Annexure P4) furnished by the respondent/husband, he has completed B.Tech. and is pursuing MBA 2nd year from MD University. In the said affidavit, the respondent has further stated that his gross salary is Rs.31,956/-; and net salary is Rs.29,425/-.

Further perusal of the said affidavit shows that the respondent/husband

has other liabilities too, in form of Medi-Claim Premium, Insurance payments, and loan installments.

7. From the above facts, it is established that the claim of the petitioners that the respondent is drawing salary of ₹50,000 per month is borne out to be false; as per the affidavit filed by the respondent his net salary is ₹29,425/- per month; and the respondent has other financial liabilities, in the form of payment of insurance premiums and loan installments. Counsel for the petitioner has not been able to show me anything to the contrary. Accordingly, in view of the complete facts and circumstances of the case, I find no infirmity in the impugned order.

8. As such, the present petition is **dismissed**.

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

04.03.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No