

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

111

CRR(F)-353-2024 (O&M)

Date of decision: 11.03.2024

Smt. Kavita Rani

..... Petitioner

Versus

Monu Yadav

..... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

PRESENT: Mr. Rose Gupta, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

CRM-10624-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 133 days in filing the accompanying revision petition.

Heard.

For the reasons stated in the application which is supported by an affidavit, the same is allowed and delay of 133 days in filing the accompanying revision petition is condoned.

CRR(F)-353-2024

1. By way of filing the present revision petition, the petitioner-wife has assailed the order dated 25.07.2023 passed by the learned Family Court Hisar and seeks enhancement of final maintenance awarded to her @ Rs.6000/- per month vide aforesaid impugned order.
2. Learned counsel for the petitioner, *inter alia*, submits that petitioner was married to the respondent on 22.09.2027 as per Hindu Rites

and Ceremonies. No child was born out of the said wedlock. The parties are residing separately since the year 2018. It is submitted that vide impugned order dated 25.07.2023, the learned Family Court, Hisar, has directed the respondent-husband to pay final maintenance @ Rs.6000/- per month to the petitioner-wife, besides a sum of Rs.5100/- towards litigation expenses. Learned counsel for the petitioner submits that the final maintenance awarded to the petitioner, on the face of it is unfair and unjust as respondent-husband himself had admitted that he was earning about Rs.4,49,064/- per annum as has been noticed by the learned Family Court at page 22 of the paper-book. It is submitted that accordingly, final maintenance ought to have been on higher side.

3. No other argument has been raised by learned counsel for the petitioner.

4. I have heard learned counsel for the petitioner and carefully gone through the case file.

5. Perusal of the impugned order at page 22 of the paper-book shows that the respondent-husband in his cross-examination has stated that his income at Sonalika Tractor, Hoshiarpur, was Rs.3,85,200/- per annum and total annual C.T.C. was Rs.4,49,064/-. Accordingly, income of the respondent-husband is Rs.35,000/- to Rs.38,000/- per month. However, perusal of the affidavit of assets and liabilities (Annexure P-5) furnished by the respondent-husband before the learned trial Court in compliance of directions of the Hon'ble Supreme Court in case titled as ***"Rajnish Vs. Neha" Criminal Appeal No.730 of 2020, Law Finder Doc ID # 1760057***, shows that the respondent-husband in Column No. 'F' thereof, has stated that his monthly income was Rs.25,000/- per month.

6. Learned counsel for the petitioner has admitted that petitioner is a well qualified woman and has done M.Com., CTET and HTET. This fact is also borne out from the affidavit (Annexure P-6) furnished by the petitioner-wife before the learned Family Court. Though, it has been stated that the petitioner is not working. Admittedly, petitioner suffers from no physical infirmity.

7. In similar circumstances Hon'ble Karnataka High Court in ***Shilpashree J.M. v Gurumanjunatha A.S., 2023 SCC OnLine Kar 36***, has held as under:-

“8. The records also disclose that before marriage petitioner No. 1 was working as is evident from her cross-examination. Her cross- examination also reveals that she was residing along with her mother. It is also evident from her admission that, even after her desertion she continued to stay in the rented house along with her mother itself and the allegation does establish that she was not interested to stay with respondent Nos. 2 to 4. It is an admitted fact that at the instance of the present petitioner No. 1, a separate house was taken on rent and now the petitioners i.e., wife and child are residing therein along with her mother, but she was reluctant to stay with her mother-in-law and unmarried sister-in-law. It is an admitted fact that respondent No. 1- husband is running provision stores. Further, he is having responsibility of taking care of his mother and unmarried sister. Admittedly, the petitioner No. 1 was working prior to her marriage and it is asserted that after marriage she resigned the said job. But, there is no explanation as to why she is incapable of working now. She is not supposed to sit idle and seek entire maintenance from her husband and she is also legally bound to make some efforts to meet her livelihood and she can seek only supportive maintenance from her husband”.

8. I am in complete concurrence with the above said views expressed by the Hon'ble Karnataka High Court. Even otherwise, I find the maintenance as awarded by the learned Family Court to be just and fair in the facts and circumstances of the case.

9. Accordingly, I find no ground is made out to exercise the revisional jurisdiction of this Court.

10. **Dismissed.**

11.03.2024
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No