

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-377-2024(O&M)
Date of order: 13.03.2024

Tannu @ Tanu Rani

.....Petitioner(s)

Vs.

Vishal

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashwani Talwar, Advocate
for the petitioner.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 18.01.2024 passed by learned Additional Principal Judge, Family Court, Panipat, whereby the petition under Section 125 Cr.P.C. filed by the petitioner/wife for grant of maintenance has been dismissed.

2. Learned counsel for the petitioner inter alia submits that the petitioner was married to the respondent on 24.02.2012. Two daughters were born out of the said wedlock, who are in the care and custody of the respondent/husband. It is submitted that the petitioner has been subjected to harassment, torture and humiliation on account of the fact that she had given birth to two daughters. It is submitted that it was for this reason that the petitioner was turned out of the matrimonial home on 05.07.2018 and even custody of her daughters was not given to her. Learned counsel refers to the pleadings contained in Para 4 of the present petition wherein it is stated that during proceedings the respondent has admitted that his annual turnover was Rs.3 crore i.e. about Rs.3 lakh per

month. It is submitted that accordingly, the Id. Family Court was in patent error in dismissing the petitioner's application under Section 125 Cr.P.C. as she has no source of income and is not earning anything.

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 the petitioner is a very well-qualified lady being B.Ed., BCA and MCA qualified. It has also come on record that the petitioner was teaching in a school run by her brother; and she was also giving tuitions and computer coaching from which she was earning Rs.10 to 15 thousand per month. Thus, total income of the petitioner came to about Rs.35,000/- per month. Even an experience certificate (Mark RC) was produced before the learned Family Court to show that the petitioner had worked as PGT (Computer Science) on part time contractual basis from 25.08.2011 to 14.02.2012 at Kendriya Vidalya, Karnal.

6. At this stage, reference may be made to judgment of Karnataka High Court in **Smt. Shilpashree J. M. Vs. Gurumanjunatha A.S.,**

2023 SCC OnLine Kar 36, wherein it has been held as under:-

"8. The records also disclosed 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".

(Emphasis supplied)

7. Whereas, on the other hand, it has also been found by the Id. Family Court that the respondent was running a handloom business in rented accommodation for which he had secured a loan against his house measuring 73 square yards situated in Sector 13-17, Panipat. Besides the responsibility of his two minor school going daughters for whom he is solely liable in every manner, the respondent also has the added responsibility of his old, aged parents. Before the learned trial Court, the respondent/husband had also alleged that the petitioner was having an affair with brother-in-law of the respondent.
8. Learned counsel for the petitioner is unable to controvert the above said factual and legal position.
9. In view of the above, I find no infirmity in the impugned order dated 18.01.2024 passed by learned Additional Principal Judge, Family Court, Panipat. Present petition accordingly stands **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

13.03.2024

Sunena

Whether speaking/reasoned

Whether reportable

(Nidhi Gupta)

Judge

Yes/No

Yes/No