

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-426-2024(O&M)

Date of order: 20.03.2024

Gaurav Asija

.....Petitioner(s)

Vs.

Muskan Rani & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Mandeep Kumra Dhot, Advocate
for the petitioner.

Nidhi Gupta, J.

Challenge in the present petition filed by the husband is to order dated 12.01.2024 passed by learned Principal Judge (Family Court) Camp at Moonak, District Sangrur whereby the petitioner has been directed to pay interim maintenance of Rs.5,000/- per month to respondent No.1/wife and Rs.5,000/- per month to respondent No.2/son.

2. Learned counsel for the petitioner inter alia submits that petitioner/husband is a labourer and is hardly earning anything per month and therefore, he is unable to pay the impugned maintenance. It is prayed that accordingly, the impugned order 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 the petitioner was married to respondent No.1 on 13.12.2020. Respondent No.2/son was born out of this wedlock. Due to marital discord, the respondents were constrained to file present petition under Section 125 Cr.P.C.

6. Perusal of record further shows that the parties have not filed their affidavits of assets and liabilities in compliance of law laid down by Hon’ble Supreme Court in case titled as “**Rajnesh Vs. Neha & Anr.” Criminal Appeal No.730 of 2020, Law Finder Doc ID # 1760057**, despite the fact that 8 opportunities were granted to them on 13.03.2023, 24.04.2023, 29.05.2023, 21.07.2023, 25.08.2023, 22.09.2023, 13.10.2023 and 17.11.2023 (Annexures P2 to P9). Even no proof of income has been produced by the petitioner before this Court. Thus, even if the petitioner is assumed to be a labourer, as per the Minimum Wages, he would be earning at least Rs.15,000/- to Rs.20,000/- per month. Relationship between the parties is admitted. No doubt, the parties are living separately due to marital discord, however, it is the moral responsibility of the petitioner to maintain the respondents.

7. As such, I find no infirmity in the impugned order dated 12.01.2024 passed by learned Principal Judge (Family Court) Camp at Moonak, District Sangrur. Present petition, accordingly, stands **dismissed**.

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

20.03.2024

Sunena

Whether speaking/reasoned

Whether reportable

(Nidhi Gupta)

Judge

Yes/No

Yes/No