

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-382-2024(O&M)

Date of order: 14.03.2024

Lakhbir Singh

.....Petitioner(s)

Vs.

Kamlesh Rani

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 03.01.2024 passed by learned Additional Principal Judge, Family Court, Yamuna Nagar at Jagadhri, whereby in an application filed by the respondent under Section 125 Cr.P.C. for grant of interim maintenance, the petitioner has been directed to pay Rs.5,000/- per month to the respondent from the date of filing the petition till its final disposal.

2. The only ground on which the petitioner has challenged the impugned order is that the petitioner has liability of his wife and daughter and is therefore, unable to pay aforesaid interim maintenance to the respondent.

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 petitioner is the son of the respondent. In his affidavit of assets and liabilities filed before the learned Family Court, the petitioner has admitted that he is working as JSO in HVPNL from where he is drawing a gross salary of Rs.59,000/- per month and his salary in hand is Rs.50,000/- per month. It has also come on record that the respondent is suffering from Arthritis and is therefore, unable to maintain herself. Her husband is a retired person and is suffering from heart disease and was operated upon for by-pass surgery in 2011, whereas the petitioner is an able-bodied person, having sufficient means to not just maintain himself but also his parents. The respondent in her affidavit of assets and liabilities had stated herself to be an old lady of 57 years of age and in column of monthly income she had mentioned “NA”, whereas the petitioner is admittedly earning Rs.50,000/- per month.
6.

Learned counsel for the petitioner is unable to controvert the above said factual position and findings of the learned Family Court.
7.

In view of the above, I find no infirmity in the impugned order dated 03.01.2024 passed by learned Additional Principal Judge, Family Court, Yamuna Nagar at Jagadhri. Present petition accordingly stands **dismissed**.
8.

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

14.03.2024

Sunena

Whether speaking/reasoned

Whether reportable

(Nidhi Gupta)

Judge

Yes/No

Yes/No