

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-422-2024(O&M)

Date of order: 20.03.2024

Rita & Others

.....Petitioner(s)

Vs.

Manjul Dahiya

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Jaiteshwar Singh Advocate
for the petitioners.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 11.01.2024 passed by learned Additional Principal Judge, Family Court, District Sonipat whereby the petition under Section 125 Cr.P.C. has been dismissed qua petitioner No.1/wife and petitioners No.2 and 3 have been granted maintenance of only Rs.6,000/- each per month from the date of petition until they attained majority.

2. Learned counsel for the petitioners inter alia submits that the learned Family Court has erred in dismissing the petition qua petitioner No.1 and has granted very meager maintenance qua petitioners No.2 and 3. It is stated that petitioners No.2 and 3 are residing with petitioner No.1/wife and are school-going children. Accordingly, in the present scenario of high inflation and expense the maintenance as awarded by the learned Family Court is inadequate. It is further submitted that the respondent/husband is habitual of drinking and taking drugs whereafter he

beats petitioner No.1/wife however, he is a Government employee and is drawing salary of Rs.40,000/- per month besides other benefits. Respondent/husband also owns a house measuring 100 square yards, which is in his name. It is submitted that accordingly, the present petition be allowed.

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. Perusal of record of the case shows that petitioner No.1 was married to the respondent in the year 2006. Petitioners No.2 and 3 were born to the parties in the year 2008 and 2012 respectively. Thereafter, due to marital discord between the parties, they started living separately. Present petition under Section 125 Cr.P.C. was filed on 08.07.2021.

6. Perusal of record further shows that petitioner No.1 is a Lawyer in active practice at District Courts, Sonipat. Although, she has claimed her monthly income to be only Rs.9,000/- to Rs.10,000/- however, she has also been shown to be owner of 100 square yard plot. Moreover, it is admitted that a residential house is also being transferred in her favour by her father. It was in this background that petition under Section 125 Cr.P.C. was dismissed qua petitioner No.1.

7. As regards income of the respondent/husband, on the basis of salary slip and account statement of the respondent, learned Family Court has found that he was drawing a net salary of Rs.38,000/- per

month. Besides that, the respondent/husband was also found to be owner of immovable properties and one vehicle. It is in this background that the learned Family Court has granted final maintenance of Rs.6,000/- each to petitioners No.2 and 3.

8. Learned counsel for the petitioners is unable to controvert the above said findings returned by the learned Family Court.

9. In view of the above, I find no infirmity in the impugned order dated 11.01.2024 passed by learned Additional Principal Judge, Family Court, Sonipat. Present petition accordingly, stands **dismissed**.

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

20.03.2024		(Nidhi Gupta)
Sunena		Judge
Whether speaking/reasoned	Yes/No	
Whether reportable	Yes/No	