

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-540-2024(O&M)

Date of order: 19.04.2024

Satinderjeet Singh

.....Petitioner(s)

Vs.

Robin

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Naresh Jain, Advocate
for the petitioner.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 06.02.2024 passed by learned Principal Judge, Family Court, Patiala, whereby in a petition filed by the respondent through his mother Smt. Gupreet Kaur under Section 125 Cr.P.C., the petitioner has been directed to pay Rs.10,000/- per month as interim maintenance to the respondent from the date of passing of order, and Rs.5,000/- as litigation expenses.

2. Learned counsel for the petitioner inter alia submits that the interim maintenance of Rs.10,000/- per month as granted in favour of the respondent/son of the petitioner, is on the higher side as petitioner is earning only Rs.53,000/- per month whereas mother of the respondent is earning Rs.73,000/- per month. It is stated that the learned Family Court has failed to properly appreciate this fact and the petitioner has been unfairly burdened. It is further submitted that the petitioner also has his old

and ailing mother to take care of. It is therefore, prayed that 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 petitioner was married to mother of the respondent on 06.12.2015. The respondent herein was born out of this wedlock in February 2017.

6. The main plank of argument on part of the petitioner is that mother of the respondent is earning more than him. This Court is of the view that even if mother of the respondent is gainfully employed, the same does not absolve the petitioner, being father of the respondent, to maintain his minor child. All that is required under section 125 CRPC is that the petitioner have 'sufficient means.' Clearly, this requirement of the provision is satisfied as admittedly, the petitioner is earning ₹53,000/- per month. It is also not denied that the petitioner is an able-bodied person. As such, the petitioner cannot absolve himself of his responsibility in maintaining his child. Merely because the wife is earning does not imply that the petitioner can forgo his moral and legal obligation.

7. Besides that, the respondent/minor son is in the care and custody of his mother. As such not only is she solely responsible for his day-to-day well-being, but she also has to provide for his school education and various amenities. In this situation, it is but just and fair that the petitioner at least partially shares the financial responsibility of the

upbringing of the minor child.It is the moral and legal duty of the petitioner to render some financial assistance to his minor son. The entire responsibility cannot be solely that of the mother.

8. In view of the same, I find no infirmity in the impugned order. In the facts and circumstances of the present case, grant of interim maintenance of Rs.10,000/- per month to the respondent/minor son is just and fair. Present petition accordingly stands **dismissed**.

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

19.04.2024	(Nidhi Gupta)
Sunena	Judge
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No