

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

Criminal Revision (F) No.599 of 2024
Date of Decision: 26.04.2024

Nagender Mudgil ... Petitioner

Versus

Ruchi Sharma and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Tripathi, Advocate,
for the petitioner.

MANISHA BATRA, J.

1. The petitioner has sought indulgence of this Court for invoking its revisional jurisdiction for interfering with the order dated 23.02.2024 passed by learned Principal Judge, Family Court, Rewari in Maintenance Petition No.MNT-302-2023 titled as ‘Ruchi Sharma and another Vs. Nagender Mudgil’ whereby interim maintenance to the tune of Rs.3000/- per month to respondent No.1 who is his wife and Rs.2000/- per month to respondent No.2 who is his minor daughter is directed to be paid by him from the date of the application till disposal of the main petition.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the present respondent No.1-wife filed the aforementioned petition for herself as well as on behalf of her minor respondent No.2 who is daughter of the petitioner and respondent No.1 on the averments that she was married with the petitioner on 21.05.2021.

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The respondent No.2 was born out of their wedlock. She levelled allegations of being harassed by the petitioner and his family members on account of demand of dowry and while alleging that she was thrown out of her matrimonial house by the petitioner and he had refused and neglected to maintain them, she prayed for directing him to pay maintenance while claiming that he was employed in a Whiskey Bar situated at Sector 29, Gurugram and was having agricultural income and used to earn a sum of Rs.50,000/- per month whereas, she was residing with her parents and was dependent upon them.

3. The petitioner contested the petition so filed by the respondents. After considering the arguments raised by both the parties, the learned Family Court vide the impugned order dated 23.02.2024, gave direction to the petitioner to pay interim maintenance to the tune of the amounts of money as mentioned above.

4. Learned counsel for the petitioner has argued that the impugned order is not sustainable in the eyes of law as while passing the same, the learned Family Court ignored the fact that he had never neglected and refused to maintain the respondents. The contention raised by him that the respondent No.1 was an Advocate by profession and was earning sufficient amount of money was ignored by the learned Family Court and an illegal order has been passed by directing him to pay maintenance to respondent No.1 who was sufficient to maintain herself. It is also argued that the amount of maintenance as directed to be paid by him is even otherwise exorbitant and he is unable to pay the same. While concluding, learned counsel for the petitioner has submitted that the impugned order has caused manifest injustice to the petitioner and, therefore, it is urged that the same is liable to

be set aside.

5. I have heard learned counsel for the petitioner and have perused the material placed on record.

6. The learned Family Court had observed that the gross monthly income of the petitioner as on the date of passing of the impugned order was Rs.15,000/- as per his own affidavit. Admittedly, the respondents are living separately from the petitioner. Undoubtedly, a contention has been raised by counsel for the petitioner before the Family Court that respondent No.1 was enrolled as an Advocate in the year 2022 and was earning sufficient amount of money, but this fact has not been taken by the learned Family Court obviously due to the reason that evidence is yet to be led by the parties and any conclusion as to the fact that respondent No.1 is capable of maintaining herself can be arrived only on the basis of the evidence so produced. The impugned order shows that the petitioner had not been able to show that the respondents were capable of maintaining themselves. There is nothing on record to show that there was any effort on his part to rehabilitate the respondents with him. The amount of maintenance which has been directed to be paid by him to the respondents cannot be stated to be excessive. It is the moral as well as legal obligation of the petitioner to maintain his wife and child. It is well settled that a wife is entitled to maintain a standard of living which is neither luxurious nor penurious and is also entitled to lead a decent life yet at par with the dignity and status of the husband and keeping in view the commitment of the petitioner to meet the needs and requirements of food, shelter and medical treatment etc. of his wife as well as his child.

7. Keeping in view the facts and circumstances of the case, I am of the considered opinion that the learned Family Court had rightly directed the

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petitioner to pay an amount of Rs.3000/- per month to respondent No.1-wife and Rs.2000/- per month to his daughter and this amount cannot be stated to be excessive or inconsistent with the status of the petitioner and is bare minimum and commensurate with the day to day requirement of food, lodging and medical expenses etc. of the respondents. Since no illegality or manifest injustice is shown to have been made out on the part of the learned Family Court by passing the impugned order, therefore, I find no reason to interfere with the same. Accordingly, affirming the findings as given by learned Family Court, the revision petition is dismissed.

26.04.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No