

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

115

CRR-F-557-2024(O&M)

Date of order: 22.04.2024

Sukhdev Singh

.....Petitioner(s)

Vs.

Rani Kaur & Others

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sandeep Kumar Bokolia, Advocate
for the petitioners.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 28.03.2024 passed by learned Principal Judge Family Court, Ferozepur, whereby in a proceeding under Section 125 Cr.P.C., the petitioner/husband has been directed to pay Rs.7,000/- per month as maintenance pendente lite to the respondents (Rs.2,000/- per month to respondent No.1/wife and Rs.1,000/- per month each to respondents No.2 to 6) from the date of application; as also Rs.4,000/- towards litigation expenses.

2. Learned counsel for the petitioner inter alia submits that the petitioner is a labourer and therefore, hardly able to sustain himself. Hence, the impugned maintenance is on the higher side. It is further submitted that the respondents are not entitled to maintenance as respondent No.1/wife left the matrimonial home of her own accord.

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 about 20 years ago i.e. in the year 2004. Five children were born out of this wedlock being respondents No.2 to 6 herein. Due to matrimonial discord, the parties started living separately; and subsequently the respondents filed present petition under Section 125 Cr.P.C. on 02.03.2023. It has been alleged by the petitioner that respondent No.1 left the matrimonial home of her own accord, however, that is a factor that shall be determined by the learned Court below upon leading of evidence. For the purposes of maintenance pendente lite, it is not denied that the petitioner is an able-bodied man. As regards income, there is no documentary proof of income of the petitioner on record. However, even as per his own saying, the petitioner is a labourer. Thus, learned Family Court has assumed his income to be Rs.300/- to Rs.400/- per day, and therefore, Rs.10,000/- per month. However, even if income of the petitioner is taken to be that of a daily wager, then as per the DC rate the petitioner would be earning about Rs.15,000/- per month.

6. In view of the above, I find no ground is made out to interfere in the impugned order. Present petition accordingly stands **dismissed**.

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

22.04.2024

Sunena

Whether speaking/reasoned

Whether reportable

(Nidhi Gupta)

Judge

Yes/No

Yes/No