

**CRR(F)-715-2024****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****117****CRR(F)-715-2024 (O&M)****Date of decision: 20.05.2024**

Jagdish Singh

...Petitioner

V/s

Maninder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Lupil Gupta, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed against the order dated 07.03.2024 passed by Additional Principal Judge, Family Court at Bathinda (camp at Talwandi Sabo), Punjab whereby the said Family Court has directed for payment of interim maintenance to the tune of Rs.4,000/- per month to the applicant (therein)/respondent (herein) to be payable by petitioner (herein) from the date of application filed before the said family Court till disposal of the main application under Section 125 of Cr.P.C. & an amount of Rs. 2,000/- towards litigation expenses. The relevant part of the said order reads as under:

"2. Per contra, Jagdish Singh (respondent) claimed that his monthly expenditure was Rs.13,000/- and he was dependent upon his parents. He borrowed loan of Rs.2 Lakh and paying loan installment of Rs.2000/- per month. Relation is admitted. Applicant is son of respondent. Allegations and counter allegations are matter of trial. Respondent is under obligation to maintain his minor son (applicant). Annual income of respondent Rs.5 Lakh as asserted by applicant is not made out from the record. Respondent being able bodied person must by earning Rs. 12,000/- to Rs.15,000/- per month. As such, interim maintenance to the tune of Rs. 4,000/- per month to applicant is granted which is payable by respondent from the date of application till final disposal of main application u/S 125 Cr.P.C. Applicant is granted Rs. 2,000/- as litigation expenses. Applicant shall be entitled to claim maintenance in one case having higher maintenance (in case other cases are pending). Amount of maintenance received by the applicant in any other litigation shall be adjusted or set off from the amount of maintenance payable in petition in hand. To come up for



evidence of the applicant on 02.05.2024 and for payment of interim maintenance and litigation expenses”

2. Learned counsel for the petitioner has argued that the interim maintenance quantum awarded by the family Court is on the higher side as the petitioner is not earning Rs.5.00 lacs annually as alleged by the respondent (herein) & actually he is dependent upon his parents. Learned counsel has further argued that the mother of the respondent i.e. wife of petitioner (herein) committed suicide on 09.10.2017 and an FIR was registered in this regard vide FIR No.298 dated 09.10.2017 under Sections 306, 116, 34 of IPC at Police Station Talwandi Sabo, Punjab against the petitioner and other persons. It has been further argued that the petitioner has never ever refused to maintain the respondent and hence there was no occasion for the said family Court to award any interim maintenance amount whatsoever.

3. I have heard learned counsel for the petitioner and have perused the record.

4. The mother of the respondent (herein) i.e. wife of the petitioner (herein) allegedly committed suicide on 09.10.2017 and the said FIR is pending trial against the petitioner and other persons. As per the own showing of the petitioner (herein); the respondent (herein) was taken away by his maternal uncle namely Darshan Singh in October, 2017 itself and since then the respondent (herein) is living with his maternal uncle. The submissions made before this Court as also the paper-book of the present petition reflect that no legal proceedings or effort has been made by the petitioner (herein) for custody of the respondent (herein) ever since the year 2017. Further, nothing has been brought on record to indicate that the



respondent (herein) since that time. It is also clear from the record that respondent (herein) is living with his maternal uncle since the year 2017. It is hence, indubitable, that the petitioner (herein) is avoiding to maintain the respondent (herein), who is his own son. This *inter se* relationship of the parties has not even denied. The relationship not only obligated the petitioner (herein) to maintain his son (respondent herein) but all the same there existed a moral obligation also. Admittedly, the mother of the petitioner has expired and hence for the purpose of higher education, the respondent needs financial assistance by way of maintenance to pursue his future studies. Moreover from the *prima facie* evidence brought on record before the Court below with regard to financial status of the petitioner, this Court finds that the interim maintenance awarded by the Court below is just and appropriate.

5. Keeping in view the entirety of the facts and circumstances of the case, the impugned order dated 07.03.2024 neither suffers from non-application of judicial mind nor the interim maintenance, as awarded therein, can be said to be excessive. Hence the instant petition deserves dismissal *in limine*.

6. Ordered accordingly.

7. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 20, 2024
Ajay

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