

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

237

CRR-F-365-2017(O&M)

Date of order: 05.03.2024

Madhu Bala & Another

.....Petitioner(s)

Vs.

Ravi Kumar @ Sonu

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. G.S. Bhinder, Advocate
for the petitioners.

Nidhi Gupta, J.

Challenge in the present petition is to order dated 16.05.2017 passed by learned District Judge, Family Court, Pathankot, whereby the respondent has been directed to pay Rs.2500/- per month to petitioner No.1/wife and Rs.1500/- per month to petitioner No.2/child from the date of filing the application i.e. 01.10.2015, as maintenance.

2. Learned counsel for the petitioners inter alia submits that petitioner No.1 was married to the respondent on 20.04.2014. One daughter, i.e. petitioner No.2, was born out of their wedlock. It is submitted that as the respondent failed to pay anything to the petitioners for their maintenance, they were constrained to file application under Section 125 Cr.P.C. During the pendency of the said application, petitioner no. 1 gave birth to a second child, a baby girl. It is further submitted that the respondent is a habitual drunkard and his family members always harassed petitioner No.1 for not bringing sufficient dowry. Subsequently, petitioner No.1 was thrown out of the matrimonial home. Even an FIR was registered. Though the matter was compromised, but the respondent again beat petitioner No.1 and demanded extra dowry of Rs.2 lakh. Accordingly, petitioner No.1 went to the police for registration of the FIR. However, this time the matter could not be settled between the parties and petitioner No.1 was constrained to file the present petition under Section 125 Cr.P.C. on 01.10.2015 (Annexure P1). It is further submitted that the maintenance

of Rs.2500/- per month awarded to petitioner No.1/wife and Rs.1500/- per month to petitioner No.2/child, is on the lower side. During the pendency of the application under Section 125 Cr.P.C., petitioner No.1 had given birth to another girl child. As such, the said amount is meager for the sustenance of three persons. It is stated that though this fact was noticed by the learned Family court in Para 14 of the impugned order, however, the same has not been considered in the right perspective while passing the same.

3. It is further submitted that the respondent is gainfully employed as a Plumber Contractor and earning Rs.40,000/- per month and he also owns immovable property and therefore, maintenance granted by the learned Family Court is on lower side. On the other hand, petitioner No.1 is an unskilled lady and has no source of income and is living at the mercy of her parents and is unable to maintain her two minor children.

4. No other argument is made on behalf of the petitioners.

5. I have heard learned counsel for the petitioners and perused the case file in detail.

6. Perusal of record of the case shows that petitioner No.1 has admitted in her cross-examination before the learned Family Court that she had left her matrimonial home in the month of January, 2016 along with her daughter. Thereafter, she has not been in touch with the respondent even telephonically. She has further admitted in her cross-examination, that the respondent and even his aunt (bua) along with Panchayat members, had come to her parental home to take her back to the matrimonial home, however, she had refused to go back. The respondent too, has stated the above facts in his evidence by way of affidavit (annexed as Exhibit RW2/A before the learned Family Court).

7. Therefore, from the above facts, it is evident that petitioner No.1 has admitted in her cross-examination that the respondent and even his aunt (bua) along with other Panchayat members had gone to her parental home to take her back. It was clear that the respondent was willing to bring the petitioners back in the matrimonial home.

8. It has further come on record that the respondent is a Plumber and is earning between Rs.12,000/- to 15,000/- per month. Moreover, he has added responsibilities of his aged father, who is suffering from asthma; and respondent also has to bear the education expenses of his unmarried sister. It is in this background that the learned Family Court has awarded maintenance of Rs.4,000/- per month to the petitioners.
9. Learned counsel for the petitioners is unable to controvert the above said findings of the learned Family Court.
10. In view of the above, I find no ground is made out to interfere in the impugned order. Present petition accordingly, stands **dismissed.**
11. Pending application(s) if any also stand(s) disposed of.

05.03.2024

Sunena

Whether speaking/reasoned
Whether reportable

(Nidhi Gupta)

Judge

Yes/No
Yes/No