

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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Criminal Revision (F) No.962 of 2023 (O&M)
Date of decision: 12.03.2024

Vishal Singh Bhati ... Petitioner

Vs.

Smt. Jyoti ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep Kumar Rana, Advocate,
for the applicant-petitioner.

MANISHA BATRA, J.

CRM-10748-2024

The application is allowed, as prayed for and affidavit of the
petitioner, is taken on record as Annexure P-4.

Main Case

1. The present revision petition has been filed by the petitioner
challenging the order dated 24.05.2023 passed by learned Principal
Judge, Family Court, Faridabad whereby an application for grant of
interim maintenance filed by the respondent-wife in Maintenance Petition
No.MNT/336 of 2022 titled as *Smt. Jyoti v. Vihsal Singh Bhati* had been
partly allowed and the present petitioner had been directed to pay an
amount of Rs.4000/- per month to the respondent from the date of filing
of the application till disposal of the petition.

2. Brief facts of the case relevant for the purpose of disposal of

this petition are that the aforementioned petition under Section 125 of Cr.P.C. has been filed by the respondent who is wife of the present petitioner on the grounds that she got married with the petitioner on 17.01.2019. The petitioner had subjected her to cruelty and had ultimately deserted and refused to maintain her failing which she was constrained to take shelter at her parental home. She pleaded that she had no source of income, she was not physically fit and was not capable of maintaining herself. While further claiming that the petitioner was working in a reputed company and was fetching salary of Rs.60,000/- per month and also getting rental income and his monthly income from all sources was about Rs.1.5 lacs, she prayed for directing the petitioner to pay maintenance to her. Along with the main petition, she had filed an application for grant of interim maintenance. After considering the reply filed by the present petitioner and rival contentions of both the parties, the learned Family Court has passed the above impugned order.

3. It is submitted by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law and is liable to be set aside as while passing the same, the learned Family Court ignored the fact that the respondent-wife was employed with one M/s Saibana at New Delhi and was earning an amount of Rs.25,000/- per month and was fully capable of maintaining herself whereas he himself is suffering from various ailments and is himself dependent upon his grandfather and as such is not in the capacity of making any payment of maintenance to the respondent.

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

5. Along with the petition, the petitioner has annexed as Annexure P-3, copy of an affidavit shown to be filed by him before the learned Family Court, in terms of directions issued by Hon'ble Supreme Court in **Rajnesh v. Neha and another**, 2020 (4) R.C.R. (Criminal) 879 and in this affidavit, he is shown to have mentioned that the respondent-wife is working with M/s Saibana and earning Rs.25,000/- per month whereas his own salary is Rs.12,000/- per month only whereas the affirmation as made by him in the affidavit Annexure P-4, he has shown himself to be fully dependent on his grandfather. There is also no material on record to show that he is medically unfit and is not in a position to earn. From the material placed on record, it is revealed that though the petitioner had taken a plea that the respondent was employed with some company and was earning a sum of Rs.25,000/- per month but nothing has been placed on record so far by him to prove this fact. The respondent is legally wedded wife of the petitioner. The amount of interim maintenance which has been directed to be paid by him to the respondent-wife cannot be stated to be excessive. It is the moral as well as legal obligation of the petitioner to maintain his wife. 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.

6. 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 petitioner to pay an amount of Rs.4,000/- per month as interim maintenance to the respondent wife and this amount cannot be stated to be excessive or inconsistent with the status of the petitioner and is bare minimum and commensurate with her day to day requirement of food, lodging, medical expenses etc. It is well settled that order granting maintenance to helpless wife should not be lightly interfered with unless any illegality or manifest injustice is made out. No such illegality is, however, made out in this case in 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.

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

(MANISHA BATRA)
JUDGE

12.03.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No