

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

105

CRR-F-710-2022 (O&M)
Date of order: 12.02.2024

Akashdeep Singh

.....Petitioner(s)

Vs.

Ranjit Kaur & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Anshul Jain, Advocate
for the petitioner.

Nidhi Gupta, J.

Prayer in the present petition is for setting aside order dated 02.07.2022 passed by learned Additional Principal Judge, Family Court, Amritsar vide which the petitioner has been directed to pay interim maintenance of Rs.12,000/- to his minor son/respondent No.2 herein, along with litigation expenses of Rs.5500/-.

2. Learned counsel for the petitioner-husband inter alia submits that the petitioner was married to respondent No.1 on 14.01.2017. One son/respondent No.2 was born to the parties. It is submitted that the impugned order is prima facie unsustainable as the petitioner is drawing a salary of only Rs.64,665/- per month; whereas it has come on record that respondent No.1/wife is also working with the SGPC as Supervisor in the Law Branch; and is getting a salary of Rs.40,000/- per month. It is submitted that in this view of the matter, the respondent No.1-wife is clearly able to sustain herself, and the child, therefore, the impugned order be set aside.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel for the petitioner.

5. Perusal of record of the case shows that the impugned order was passed in an application filed by the respondents under Section 125 Cr.P.C. Before the learned Family Court, it was the case of the

respondents that the petitioner is M.Sc. B.Ed. and working as Lecturer in Government school and drawing a salary of Rs.70,000/- per month; and additional income of Rs.40,000/- per month through tuition work; and therefore, his total income was Rs.1,10,000/-. However, as the respondents had failed to prove the above said income, the learned Family Court on the basis of evidence on record, had concluded that the petitioner is drawing salary of Rs.64,665/- per month; and that the bank account statement of respondent No.1/wife showed credit of Rs.31,220/- as salary.

Be that as it may, it is my clear view that this does not absolve the petitioner-father from the responsibility of maintaining his son. It was, keeping this fact in mind that the R.No.1-wife was working, that nothing was awarded to the respondent No.1/wife as interim maintenance; and only respondent No.2/minor son of the parties, was granted interim maintenance of Rs.12,000/- per month. No doubt, it is the duty of both the parents to maintain their child. Respondent No.1-wife is entrusted with the care and custody, physical and mental well-being of the minor child and the least that can be done on part of the petitioner-husband is to provide some financial assistance towards the same.

6. In view of the above, I find no merit in the present petition; and the same is accordingly, **dismissed**.

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

12.02.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No