

THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRR (F) No.1065 of 2023 (O&M)
Date of decision: 05.03.2024

Sukhwinder Singh

... Petitioner

Vs.

Amandeep Kaur and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vishal Sharma Haritwal, Advocate,
for the applicant-petitioner.

MANISHA BATRA, J. (Oral)

CRM-30682-2023

This is an application for condonation of delay of 49 days in
filing the present revision petition.

For the reasons mentioned in the application, the same is
allowed and the delay of 49 days in filing the present revision petition is
condoned.

CRR (F) No.1065 of 2023 (O&M)

1. The present revision petition has been filed against the order
dated 02.03.2023 passed by the Court of learned Principal Judge, Family
Court (Camp) Guhla, Kaithal in Maintenance Petition No.MNT/236 of
2019 titled as *Amandeep Kaur and another v. Sukhwinder Singh*,
whereby, present petitioner who was the respondent before Family Court

Neutral Citation No.2024:PHHC:032766

was directed to make payment of an amount of Rs.2500/- per month to respondent No.1 from the date of filing of the petition till 14.01.2021 i.e. the date when she got re-married and Rs.2500/- to respondent No.2 from the date of filing of the petition till she attained the age of majority and got married whichever is earlier.

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned petition under Section 125 of Cr.P.C. had been filed by respondent No.1 for herself as well as on behalf of the respondent No.2 who is her minor daughter on the averments that she was married with the present petitioner on 01.03.2012. The respondent No.2 was born on 17.12.2012. The family members of the present petitioner and the petitioner himself were not satisfied with the dowry given at the time of her marriage and they started harassing her on account of bringing insufficient dowry. They also raised demand of Rs.5 lacs. Ultimately, she was turned out of her matrimonial house after three years of her marriage. On 04.05.2014, she had got lodged an FIR as against the petitioner and his family members under Sections 323, 406 and 498-A and 307 read with Section 34 of IPC. However, due to intervention of biradari Panchayat and assurance being given by the petitioner to not to misbehave with the respondent No.1, the respondent No.1 was brought back to her matrimonial house. However, the behaviour of the petitioner even worsened more thereafter and he refused to keep the respondents with him and to maintain them and ever since then the respondent No.1 and the minor respondent are living with her

relatives. She has no source of income to maintain her daughter as well as herself whereas, the petitioner is an able bodied person. He is a farmer by profession and earns Rs.50,000/- per month. She, therefore, prayed for directing him to pay maintenance to the respondents.

3. The present petitioner had appeared before the learned Family Court in response to the notice and had filed reply contesting the pleas as taken in the petition and by alleging that the respondent used to pressurize him to live separately from his parents and had herself left her matrimonial house.

4. After considering the evidence produced on record by both the parties and giving due deliberations to the contentions as raised by their counsel, the learned Family Court vide impugned order dated 02.03.2023 had directed the present petitioner to pay an amount of Rs.2500/- per month to respondent No.1 as maintenance from the date of filing of the petition till 14.01.2021 as she got remarried on that date whereas the minor respondent was directed to be paid an amount of Rs.2500/- per month as maintenance till she attained majority or till she got re-married.

5. Feeling dissatisfied, the present petition has been filed by the petitioner. It is submitted in the grounds of revision petition and learned counsel for the petitioner has argued that the impugned order is not sustainable in the eyes of law as while passing the same, the learned Family Court ignored the fact that it was the respondent No.1 who herself had left his society and had neglected him. She had also concealed the fact that she had performed re-marriage. He further submitted that the

respondent No.1 had failed to establish that she was neglected or refused to be maintained by the petitioner. She had even snatched the minor respondent No.2 from his custody in an illegal manner though the petitioner was willing to keep his minor child with him. She had obtained an ex parte decree of divorce against him and had performed second marriage. It is further argued that the learned Family Court had committed an error in directing him to pay an amount of Rs.2500/- per month to respondent No.1 with effect from the date of filing of the petition till 14.01.2021 as she had infact got married in the year 2019 and as she herself had deserted him, therefore, the impugned order is not sustainable to the extent to which he has been directed to pay maintenance amount to respondent No.1. As such, it is argued by him that the petition deserves to be allowed.

6. I have heard learned counsel for the petitioner at considerable length and have gone through the record.

7. A perusal of the impugned order reveals that though the present petitioner had taken a plea that the respondent No.1 had deserted him but no effort whatsoever were shown to have been made by him for rehabilitating the respondents with him during the period from the year 2014 till the date of filing of the petition or thereafter. The respondents have been residing separately from him. He has also failed to show that till 14.01.2021, the respondent No.1 was having any separate and independent source of income and was capable of maintaining herself as well as her minor child. The learned Family Court had taken all these

points into consideration and passed a well reasoned and detailed order thereby holding that the petitioner was liable to pay maintenance to the respondent No.1 till the date, she performed marriage with some other person. In view of the discussion as made above, I see no reason to interfere in the impugned order so far as the question of grant of maintenance to the respondent No.1 is concerned.

8. So far as the order qua grant of maintenance to respondent No.2 is concerned, no serious contention had been raised qua making payment of the same to her by the petitioner. The respondent No.2 is daughter of the petitioner who was aged about six years at the time of filing of the petition. By now, she must be attending school, getting tuitions and naturally sufficient amount of money is required to be spent not only on her educational expenses but by way of expenses on medical and clothing etc. Maintenance of amount @Rs.2500/- per month to the minor child of the petitioner cannot be stated to be excessive by any stretch of imagination. Therefore, no ground has been made out for interfering in the order passed by learned Family Court on this point also. Accordingly, finding no merit, the petition is dismissed.

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

05.03.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No