



Sr. No.114

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR(F)-943-2024 (O&M)
Date of decision: 17th September 2024**

GURMUKH SINGHPetitioner

versus

KARAMJIT KAUR AND ANRRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Nitin Sachdeva, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-36834-2024

Allowed as prayed for. Affidavit of assets and liabilities of the petitioner and respondent No.1 are taken on record as Annexures P-6 and P-7 respectively.

CRR(F)-943-2024 (O&M)

1. The present Criminal Revision Petition has been filed impugning the order dated 21.02.2024, passed by the Family Court, Barnala, whereby, the application filed by the respondents under Section 125 Cr.P.C., has been allowed and the petitioner-husband has been directed to pay a sum of Rs.5,000/- per month to respondent No.1 (wife) and Rs.3,000/- per month to respondent No.2 (minor daughter) as maintenance, from the date of filing the application.
2. Learned counsel for the petitioner contends that the findings arrived at by the Family Court, Barnala, holding the pensionary income of the petitioner as Rs.21,000/- per month, are erroneous. In fact, the net payable income of the petitioner is Rs.16,634/-. The petitioner lives in a rented accommodation and he



has to pay a rent of Rs.5,000/- per month and Rs.7,000/- per month to the maid for cooking food and doing other household work. The petitioner met with an accident on 04.12.2020, as such, he is unable to do his personal works. The meager pensionary income of the petitioner is being spent by him to meet with his day-to-day expenses.

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

4. In view of the facts and circumstances of this case, issuance of notice to the respondents is dispensed with.

5. It is not disputed that the marriage between the petitioner and respondent No.1 was solemnized on 08.04.2007 and a daughter (respondent No.2) was born out of the wedlock on 08.07.2011. The relationship between the parties is not disputed. The respondents have filed a petition under Section 125 Cr.P.C. (Annexure P-1) with the allegations that there used to be a matrimonial dispute between the parties. However, in January 2009, the petitioner-husband gave beatings to respondent No.1-wife and she was thrown out of the matrimonial home. On 05.02.2009, the petitioner wrote a letter to the Army authorities and the Army authorities fixed the maintenance of the respondent-wife and the minor daughter as Rs.12,537/- per month. After the retirement of the petitioner, the respondents have not received any maintenance w.e.f. 01.02.2020. Despite the fact that Panchayats were convened in the year 2010, the respondent-wife was not rehabilitated in her matrimonial home. The petitioner-husband has contested the petition filed under Section 125 Cr.P.C. by way of filing reply dated 16.09.2021 (Annexure P-3).



6. The Family Court has observed that the respondent-wife had filed a petition under Section 9 of the Hindu Marriage Act, 1955, which was allowed vide judgment dated 27.01.2016, passed by the Family Court, Barnala. However, the said order was challenged by the petitioner-husband by way of filing an appeal. There is no evidence on record to show that the petitioner-husband had made any efforts for joining the company of the respondent-wife and his minor daughter. The allegation that the petitioner-husband had ignored the respondents is evident from the fact that the petitioner has not joined the company of the respondents even after the passing of the decree under Section 9 of the Hindu Marriage Act. In such circumstances, the wife and the child cannot be left to starvation.

7. Admittedly, the petitioner is a retired employee and he is getting monthly pension. It is not disputed that after the retirement of the petitioner, the Army authorities have not made any deductions from the pension of the petitioner and have not made any payment towards maintenance of the respondents, which were earlier being made, when the petitioner was in service. The petitioner has himself filed a copy of the affidavit of his assets and liabilities (Annexure P-6) in the present petition, wherein, it has been mentioned in Column No.10, Part-I, that the pensionary income of the petitioner is Rs.20,000/- per month.

8. In such circumstances, awarding a sum of Rs.5,000/- per month to respondent No.1-wife and Rs.3,000/- per month to respondent No.2-minor daughter, is in resonance with the facts and circumstances of this case. There is proper appreciation of the contentions raised by both the parties and the



evidence on record, by the Family Court, as such, no ground is made out to interfere in the findings arrived at by the Family Court, Barnala.

9. Consequently, the present Criminal Revision Petition, being devoid of merits, is dismissed.

10. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

17th September 2024
simran

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