

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-1275-2023 (O&M)
Date of Decision : 01.02.2024

Hemant Alias Hemant KumarPetitioner

VERSUS

Beena and OthersRespondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Abhinav Singla, Advocate for the petitioner.

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SUDEEPTI SHARMA, J. (Oral)

CRM-37065-2023

1. This is an application for condonation of delay of 448 days in filing the present petition.
2. For the reasons mentioned in the application, the same is allowed and delay of 448 days in filing the present revision petition is condoned.

CRR(F)-1275-2023 (O&M)

1. The challenge in the present petition is to the order dated 10.02.2021, whereby the application under Section 311 of the Criminal Procedure Code, 1973 filed by the petitioner has been dismissed. The further challenge is to the impugned order dated 10.02.2021 passed by the Additional Principal Judge, Family Court, Faridabad, whereby the petitioner is directed to pay maintenance to the tune of Rs.3000/- to respondent No.1 and Rs.1500/- (each) to respondent Nos. 2 and 3 (minor children).

2. Learned counsel for the petitioner contends that the impugned order dated 10.02.2021 passed in the application filed under Section 311 CrPC is bad in the eyes of law inasmuch as the learned lower Court did not consider the evidence of the respondent-wife that she is working and dismissed the application. Learned counsel for the petitioner further contends that the amount so assessed to be paid by the petitioner to the respondents is on the higher side.

3. I have heard learned counsel for the petitioner and conclude as under:-

Dismissal of application filed under Section 311 CrPC

The application has been rightly dismissed since it has been observed that the petitioner was cross-examined at length and thereafter the parties already availed numerous opportunities for rebuttal evidence and arguments. By stating so, the application moved by the petitioner before the Court below was dismissed. This Court does not find any infirmity in the said order.

Petition under Section 125 Cr.P.C for grant of maintenance allowance

So far as the grant of maintenance to the tune of Rs.6000/- is concerned, the learned Court below has taken into consideration the fact that the petitioner deserted his wife; he is running a photo-stat shop; he is owner of house and two shops in Ballabgarh and he is also working as LIC agent. After considering the property and the job profile of the petitioner, amount to the tune of Rs.6000/- was directed to be paid to the respondents i.e.

Rs.3000/- p.m to respondent No.1 and Rs.1500/- p.m (each) to respondent Nos. 2 and 3. This Court finds that the said order does not require any interference as the amount has been rightly awarded.

- 4. In view of the above, the present petition, being devoid of any merit, is dismissed.
- 5. Pending applications, if any, also stand disposed off.

February 01, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No