

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRR (F) No.1542 of 2023 (O&M)

Date of decision: 11.01.2024

Pawan Kumar

... Petitioner

Vs.

Veerpal Kaur and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Surinder Garg, Advocate,
for the applicant-petitioner.

MANISHA BATRA, J.

CRM-45341-2023

This is an application for condonation of delay of 51 days in filing the present revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 51 days in filing the present revision petition is condoned.

CRR (F) No.1542 of 2023 (O&M)

1. The present revision petition has been filed against the order dated 26.05.2023 passed by the learned Principal Judge, Family Court, Faridkot in case No.107 of 29.07.2022 titled as *Veerpal Kaur and another v. Pawan Kumar*, whereby an application filed by the respondents for grant of interim maintenance had been partly allowed and the petitioner was directed to give an amount of Rs.10,000/- per month to the present respondent No.1 and Rs.8,000/- per month to the present respondent No.2 as interim maintenance till the minor attained the age of

majority.

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 respondents who are wife and son respectively of the present petitioner seeking maintenance by making allegation that they have been neglected and refused to be maintained by the petitioner. They also filed an application for grant of interim maintenance during the pendency of the main petition which has been disposed of vide the impugned order by the learned Family Court by observing that the gross salary of the petitioner is Rs.64,353/- as shown in his salary slip for the month of July 2022; that the respondents are totally dependent upon the petitioner and further that the minor respondent is a student staying in 10th Class.

3. Learned counsel for the petitioner has argued that while passing the impugned order, the learned trial Court ignored the fact that infact the respondent No.1 along with minor respondent is very much residing in her matrimonial house and, therefore, does not require any rental expenses etc. The learned trial Court also ignored that the petitioner had obtained loan and an amount of Rs.23,407/- was deducted as EMI from his income every month and other statutory deductions were also made and he was drawing net income of Rs.42,407/-. He has argued that the amount of maintenance so awarded is quite excessive and exorbitant and, therefore, the petitioner is not liable to pay the same.

4. I have heard learned counsel for the petitioner at considerable

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length and have gone through the record. It is culled out from the record that the petitioner is employed in CRPF. The respondent No.1 is residing with the minor respondent in her matrimonial house. However, it is revealed that the petitioner has not been making the respondents live with him at his respective places of posting and had also not been taking care of the day to day requirements of the present respondents which led them to filing of the petition under Section 125 of Cr.P.C. The respondent No.2 is studying in 10th Class. Ofcourse not only for his educational expenses but also for his tuition, medical, clothing and food etc., money is required to be spent for the minor respondent by the wife of the petitioner who is taking care of him alone. It is the moral as well as legal obligation of the petitioner to maintain his wife and child. 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 as well as his child.

5. Keeping in view the facts and circumstances of the case, I am of the considered opinion that the learned trial Court had rightly directed the petitioner to pay an amount of Rs.10,000/- per month to the respondent wife and Rs.8000/- per month to his son who is school going and this amount cannot be stated to be excessive or inconsistent with the status of the petitioner and is bare minimum and commensurate with the day to day requirement of studies and medical expenses etc. of the minor

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respondent also. It is well settled that order granting maintenance to helpless wife and child 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 trial Court, the revision petition is dismissed.

11.01.2024	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No