

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

240

CRR-F-980-2019 (O&M)
Date of order: 08.02.2024

Ajay Madhan

.....Petitioner(s)

Vs.

Pooja & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. S.S. Dinarpur, Advocate
for the petitioner.

Nidhi Gupta, J.

Challenge in the present petition is to impugned judgment and order dated 24.09.2019 passed by learned Principal Judge (Family Court), Kurukshetra granting an amount of Rs.17,000/- per month (Rs.8,000/- to respondent No.1 and Rs.9,000/- to respondent No.2) as maintenance under Section 125 Cr.P.C.

2. Learned counsel for the petitioner-husband inter alia submits that the petitioner is drawing salary of Rs.17,000/- per month. It is submitted that the learned Family Court has failed to consider this evidence and has only relied upon family properties and granted the maintenance as above, which are not even in the name of the petitioner.

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

4. I have heard learned counsel for the petitioner.

5. Perusal of the record shows that this is a petition of the year 2019, and notice has not yet been issued in the matter. On 16.05.2022, the matter was adjourned at the request of learned counsel

appearing for the petitioner; and on next two dates of hearing i.e. 16.09.2022 and 26.07.2023, there was no representation on behalf of the petitioner.

6. Perusal of record of the case further shows that the respondents had pleaded before the Id. Family Court, as under:-

“...The petitioner is residing at her parental home and that she has no source of income to maintain herself and her minor son, whereas the respondent is Government servant and posted as Field Inspector in HAFED at Ladwa, District Kurukshetra and is getting salary of more than Rs.40,000/- per month. The respondent and his family members constitute joint Hindu family and is holding joint Hindu family property, i.e. agricultural land to the extent of about 30/35 acres situated at village Chhalaundi, Samalkha and Ban, District Kurukshetra and their income from the said land by way of crops, by plantation of poplar trees and from the Orchard of mangoes in the land situated at village Chhalaundi is more than Rs.40 lakh per annum. Besides this, the father of the respondent is running Commission Agency at shop No.11, New Grain Market, Extension Ladwa and his earning from this business is more than Rs.10 lakh per annum. Besides this, the respondent is also having other movable and immovable properties worth crores of rupees including one plot No.11, sector-13, Bahadurgarh. The total earning of the joint family of the respondent is more than Rs.55 lakh. The respondent is leading luxurious life and has made the life of petitioners miserable. The respondent despite having sufficient means has refused and neglected to maintain his wife and minor son”.

7. Furthermore, learned counsel for the petitioner is unable to prove in any manner that the salary of the petitioner is only

Rs.17,000/- per month, on the contrary, the impugned order records that

the gross salary of the petitioner was Rs.35,389/- in the month of April, 2019, as is evident from his salary certificate for the month of April, 2019 produced before the learned Family Court as Exhibit P-23; and after deduction his net salary was Rs.32,051/-.

8. It has further been noticed in the impugned order that the agricultural land which came to the petitioner from his parents, has been transferred by him to his parents; and a suit at the instance of respondent No.2, challenging the family transfer by the petitioner in favour of his family members is also pending trial.

9. In view of the above discussion, I find no merit in the present petition, and the same is hereby **dismissed**.

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

08.02.2024

Sunena

(Nidhi Gupta)

Judge

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