

118

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-7925-2024 in/and
CRR(F)-1662-2023 (O&M)
DATE OF DECISION : 20.03.2024

DINESH KUMAR YADAV

... PETITIONER

V/S

NISHA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Bhisham Kumar Majoka, Advocate for the petitioner.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-7925-2024

1. This is an application for placing on record Affidavit and divorce petition as Annexures P-3 to P-4. The same are allowed to be taken on record.
2. Registry is directed to tag the same at the appropriate place.
3. Disposed of.

Main case

4. Challenge in the present criminal revision is to the impugned order dated 05.10.2023 whereby the Principle Judge, Family Court, Narnaul has granted interim maintenance of a sum of Rs. 5,000/- p.m. to respondent Nos. 2 and 3 who are daughter and son of the petitioner during the pendency of the petition under Section 125 Cr.P.C.
5. Learned counsel for the petitioner contends that Family Court

has not taken into consideration that respondent No.1-wife is working as Constable in Haryana Police, Gurugram. She is not dependent on her husband-petitioner. Respondent No.1 has admitted in her affidavit that she is earning more than Rs. 50,000/- as per her affidavit, Annexure P-1. It is further contended that petitioner is unemployed and is earning Rs.3000/- p.m. by doing agricultural activities. The respondent No.1-wife does not like the petitioner on account of her working as a Constable. However, the petitioner had requested many times to the respondent-wife to hand over the custody of the daughter and the son to the petitioner but the respondents have filed the petition without any basis, wherein the impugned order has been passed.

6. Keeping in view the facts and circumstances of the case, the issuance of the notice to the respondents is dispensed with.

7. As per the paper-book, the respondents have filed a petition under Section 125 Cr.P.C. wherein an application for granting interim maintenance was also filed. In the affidavit filed by the petitioner before the Family Court (Annexure P-1), the petitioner has mentioned his qualification as B.A. and Nursing diploma. He has admitted the relationship of the parties and also admitted about the fact that respondent No.1-mother is having the custody of the minor son, aged about 1-1/2 years and minor daughter aged about 3-1/2 years. Respondent No.1 has also admitted that she is working as a Constable in Haryana Police and her monthly basic pay is Rs.26,000/- along with allowances. The Family Court has considered the contentions of the petitioner-husband that he is unemployed. However, the Family Court has relied upon the salary slip for the month of September,

2021 reflecting the monthly salary of the petitioner as Rs.27,428/-. Considering the fact that respondent No.1 is working and drawing salary, she was not awarded any interim maintenance. However, respondent Nos. 2 and 3 who are minor children of the parties (petitioner and respondent No.1), the application for interim maintenance on their behalf was allowed and the petitioner was directed to pay a sum of Rs.5,000/- each to respondent Nos. 2 and 3.

8. Learned counsel for the petitioner has relied upon the affidavit dated 16.01.2024 (Annexure P-3), which has been now filed in the present petition contending that his services were terminated by the Artemis Hospital on 13.07.2021 as the wife used to come to the said hospital and quarrel with the petitioner.

9. No termination order has been relied upon by the petitioner before the Family Court. The petitioner is educationally qualified having diploma in Nursing. This fact has been admitted by him. This fact is also noticed by the Family Court that petitioner-husband has filed a divorce petition which clearly indicates that he intends to end his matrimonial relationship with respondent No.1. Both the respondent no.1 and 2, who are children of the parties are the responsibility of their parents. Keeping in view their age, their requirements for food, education and other expenses, the amount awarded by the Family Court, during the pendency of the main petition is justified. The petitioner is young, qualified and he is expected to be earning.

10. No grounds for interference is made out. There is no documentary evidence on record which has not been properly appreciated

by the Family Court.

11. As such, the present petition has no merits. Consequently, the petition stands dismissed.

20.03.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

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