

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

**CRR(F)-1700-2023 (O&M)
DATE OF DECISION : 23.01.2024**

RAVINDER SINGH**... PETITIONER**

V/S

NEETU AND OTHERS**... RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Parveen Kumar, Advocate for the petitioner.

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HARPREET KAUR JEEWAN, J. (ORAL)

Petitioner-husband has filed present revision petition assailing the order dated 30.10.2023 passed by the Family Court, Jind granting interim maintenance to the respondents during the pendency of the petition under Section 125 of the Code of Criminal Procedure, 1993 (hereinafter referred to as 'Code').

As per the factual matrix, the marriage between the petitioner-husband and respondent-wife was solemnized on 08.10.2011. Out of the wedlock, two children (respondent Nos. 2 and 3) were born out. The respondents filed a petition under Section 125 of the Code for grant of maintenance. During the pendency of the said petition, Family Court allowed the request of the respondents for granting them interim maintenance @ Rs. 30,000/- p.m.

Learned counsel for the petitioner contends that the respondent-wife has made several false complaints against the petitioner at his work place. He is posted in Army. The said complaints have brought humiliation

and caused mental harassment to the petitioner. The respondent-wife had left the matrimonial home along with her children without permission of the petitioner-her husband and without his knowledge and she did not return back. The petitioner-husband has made an application to the Family Court for visitation rights which is still pending consideration. The awarding of interim maintenance of Rs. 30,000/- p.m. is not justifiable as the respondent-wife has left the matrimonial home without any cause. The amount awarded by the Family Court is also on a higher side.

Keeping in view the submission made in the petition, issuance of notice to the respondent-wife is dispensed with.

I have considered the aforesaid contentions. After going through the pleadings of both the parties, the Family Court has observed that factum of marriage between the parties is not disputed. There are two minor children out of the wedlock who are in the care and custody of the wife (respondent No.1). It is also not disputed that both the husband and wife are living separate. The matrimonial ties between the parties are disturbed temporarily. These factual findings have not been disputed by the petitioner in the present petition.

As per the affidavit of respondent No.1, Annexure A-1 which is stated to have been filed before the Family Court, respondent-wife has no source of income and she is having the liability of two minor children. The daughter is a student of 6th standard and the son is a student of LKG. Respondent-wife is residing with the minor children in a rented accommodation and she has alleged in her affidavit (Annexure A-2) that she is paying Rs. 5000/- p.m. as rent; she is unemployed; and she does not own any movable or immovable property on her name. The petitioner-husband

has alleged in the affidavit (Annexure A-1) that he is working in Defence and his salary is as per salary slip. Petitioner has relied upon the salary slip, Annexure P-2 as per which, his total salary is Rs. 88032/-. Though the carry home salary of the petitioner is recorded as Rs.45331/- but he is making Provident Fund subscription as Rs. 30,000/- p.m. The said subscription is being voluntarily made by the petitioner. The petitioner being husband and father of the respondents has a legal duty to maintain the respondents. As such, the order passed by the Family Court awarding interim maintenance to the respondent-wife and minor children does not suffer from any irregularity and illegality.

No ground is made out for interference. Consequently, the present petition stands dismissed.

23.01.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

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