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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-415-2022 (O&M)
Date of Decision: 10.02.2025

Abid

....Petitioner

Versus

Shabnam

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B.S. Tewatia, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for impugning the order dated 08.04.2021 passed by learned Principal Judge, Family Court, Palwal under Section 125 of the Code of Criminal Procedure for granting maintenance of Rs. 3,000/- per month to the respondent-wife.

2. Learned counsel appearing on behalf of the petitioner submitted that learned Principal Judge, Family Court has allowed the maintenance of Rs.3,000/- per month in favour of the respondent-wife, who was not working, but at the same time, the petitioner is also not having any source of income but the petitioner-husband is also having the care and custody of a minor child of the age of 8 years, apart from maintaining his old age parents who are blind. He submitted that considering the fact that the petitioner has no source of income and he is not even working, he is not able to pay the aforesaid amount of Rs.3,000/- per month to his wife and therefore, the aforesaid order is liable to be set aside. He also submitted that though the petitioner has educational qualification of ITI from Computer Program Operator Trade but he is not having any source of income.



3. I have heard the learned counsel for the petitioner.

4. It is a revision petition filed challenging the order passed by learned Principal Judge, Family Court, Palwat dated 08.04.2021 whereby the maintenance of Rs. 3,000/- per month has been allowed in favour of the respondent-wife. A perusal of the order passed by learned Family Court would show that in the present case the respondent-wife had pleaded that the petitioner is earning Rs. 30,000/- per month and he is well qualified able bodied man having ITI from Computer Program Operator Trade, whereas the respondent-wife was not having any source of income at all and therefore, the Family Court had granted maintenance of Rs. 3,000/- per month on the ground that even if assumingly the petitioner was not working, he being an able bodied man of the age of 30 years and well qualified, he should have earned at least Rs. 15,000/- per month.

5. Although there is no evidence which has been recorded pertaining to actual income of both the parties but admittedly, the respondent-wife was not working and so far as the petitioner is concerned, he is well qualified able bodied man having ITI from Computer Program Operator. Therefore, this Court is of the considered view that there is no illegality and perversity in the impugned order passed by learned Family Court especially in view of the fact that the respondent-wife is not having any source of income and the maintenance is only to the tune of Rs. 3,000/- per month which also cannot be said to be on the excessive side.

6. Consequently, finding no merit in the present petition, the same is hereby dismissed.

10.02.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking

: Yes/No

Whether reportable

: Yes/No