

**CRR(F)-1158-2023(O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****110+203****CRR(F)-1158-2023(O&M)****Date of decision : 02.04.2025**

Barjinder Singh

..... Petitioner

V/S

Manpreet Kaur

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Harkaran Singh, Advocate for petitioner.

Mr. Anmol Puri, Advocate for respondent.

AMARJOT BHATTI J. (ORAL)

CRM-13406-2025

This is an application u/s 482 of Cr.P.C. for placing on record medical record of complainant as Annexure R-1.

For the reasons stated in the application, same is allowed. Accompanying document as Annexure R-1 is taken on record.

Application is disposed of accordingly.

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1. Petitioner- Barjinder Singh filed this revision against impugned order dated 17.05.2023 vide which respondent-wife has been granted interim maintenance of Rs.5,000/- per month along with litigation expenses Rs.10,000/- in petition filed under Section 125 Cr.P.C. bearing No. MNT/158/2021 dated 24.08.2018.



2. As per the brief facts detailed in the impugned order, petitioner-husband got married with Manpreet Kaur respondent-wife (petitioner in the main case) on 29.01.2017. Respondent-wife stated that her father had spent huge money at the time of marriage. Even then, her husband and in-laws family were unhappy with the dowry articles. Matter came before Panchayat and the compromise was also effected, even then, there was no change in the behaviour of her husband and in-laws family. There was demand for money to buy a new car which her parents could not satisfy. She further alleged that her husband used to spend his entire salary on vices. She was turned out of the matrimonial home on the intervening night of 03/04.04.2018, since then she is residing in her parental house. Her husband is Lecturer in Art and Craft serving in Maharani Satinder Kaur Senior Secondary School, Bela. He is having ancestral property and is earning more than Rs.80,000/- per month by doing the business of property dealing. He has intentionally refused to maintain his wife who is residing at the mercy of her parents. Respondent-wife had claimed the maintenance of Rs.15,000/- per month along with litigation expenses of Rs.22,000/-.

3. Present petitioner contested the application by filing reply taking the stand that his wife was running a boutique and doing work of stitching of ladies suits and earning Rs.10,000/- per month. The allegations levelled against him and his family regarding maltreatment and demand of dowry are false and without any basis. It is further alleged that he is a teacher of Art and Craft and is getting salary of Rs.4,500/- per month. Apart from this, he has no other source of income.

4. After hearing arguments advanced by learned counsel for both the parties, learned Principal Judge, Family Court Camp at Kharar passed impugned order dated 17.05.2023 vide which petitioner-husband was ordered to pay



maintenance to the tune of Rs.5,000/- per month to his wife along with litigation expenses to the tune of Rs.10,000/-. Feeling aggrieved of this order, present revision has been preferred.

5. Learned counsel for petitioner pointed out that learned Principal Judge, Family Court Camp at Kharar, SAS Nagar Mohali while awarding interim maintenance has failed to consider that respondent-wife is well qualified lady. In her affidavit (Annexure P-4) she admitted that she has done B.Sc. Fashion Designing and pursuing PGDCA Cosmetology. She further admitted that she is earning approximately Rs.8,000/- per month. She also filed her income tax return for the year 2021-22. Therefore, respondent-wife is financially independent and the petition under Section 125 Cr.P.C. was filed only to harass the petitioner-husband. On the other hand, present petitioner-husband is Matriculate and Diploma in Art and Craft. He is a private teacher. After deduction, her carry home salary is Rs.4,400/-. Therefore, interim maintenance granted at the rate of Rs.5,000/- per month is beyond the reach of present petitioner-husband. Therefore, the impugned order passed by learned Principal Judge, Family Court Camp at Kharar deserves dismissal.

6. Learned counsel representing respondent-wife took the stand that petitioner-husband has tried to conceal his income. As per his own affidavit, after deduction his monthly salary is Rs.4,400/- but he has not disclosed his gross salary. Learned Principal Judge, Family Court Camp at Kharar rightly came to the conclusion that even by doing daily labour a person is capable of earning Rs.700/- to Rs.800/- per day. In the case in hand, petitioner is well qualified person doing a job of teacher. He is also doing the business of property dealing. He has not furnished any income tax return or bank pass-book to conceal his income. Learned counsel representing respondent admitted that despite health

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condition of respondent-wife, she is doing stitching work to meet with her daily expenditure. Learned counsel for respondent has placed on record out patient card of Manpreet Kaur from PGI, Chandigarh where she is getting treatment from the Department of Neurology effecting her eye sight. It is pointed out that she is bearing expenditure of medical treatment. Interim maintenance granted in favour of respondent-wife is meager. Present revision has been preferred by the petitioner-husband to avoid payment of maintenance awarded by learned trial Court.

7. I have considered the arguments and have gone through the record carefully. Admittedly, Manpreet Kaur-respondent is legally wedded wife of petitioner-Barjinder Singh. Their marriage took place on 29.01.2017 and on account of matrimonial dispute, respondent-wife is residing in her parental house since April, 2018. During the pendency of petition, both the parties furnished their affidavits before learned trial Court regarding their assets and liabilities. Out of this wedlock, they do not have a child. Petitioner-husband is Matriculate having done Diploma in Art and Craft. He is serving as a private teacher in Maharani Satinder Kaur Senior Secondary School, Bela. In his affidavit (Annexure P-3), he claimed his salary as Rs.4,400/- after deduction. There is one certificate issued by the principal dated 12.01.2023 (Annexure P-5) confirming that petitioner-husband is a drawing teacher since, 2015 and his salary is mentioned as Rs.4,400/- per month which is contrary to the affidavit of present petitioner where he claimed his salary after deduction as Rs.4,400/-. To support the facts stated in the affidavit, petitioner husband has not annexed any income tax return or bank record to establish his monthly income. At present certificate issued by Principal, Maharani Satinder Kaur Senior Secondary School, Bela (Annexure P-5) cannot be safely relied upon. Salary alleged in the affidavit is

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even less than the minimum wages provided as per rate fixed by the Deputy Commissioner. This aspect of the case was rightly considered by learned Principal Judge, Family Court Camp at Kharar, SAS Nagar, Mohali.

On the other hand, respondent-wife has also filed her affidavit as Annexure P-4 confirming her qualification as B.Sc. Fashion Designing and further pursuing PGDCA Cosmetology. She admitted that she earns approximately Rs.8,000/- per month by way of stitching suits. She has also referred to her income tax return filed for the first time for the assessment year 2021-22. There is medical record of the respondent showing that she is having problem in her eyes for which she is getting treatment from PGI, Chandigarh and other hospitals. Despite her ailment, she is trying to earn her livelihood.

8. Therefore, considering the aforesaid facts and circumstances of the case, interim maintenance awarded by learned Principal Judge, Family Court Camp at Kharar, SAS Nagar, Mohali is not excessive, thus does not require any interference at this stage. With this observation order dated 17.05.2023 is accordingly upheld and the criminal revision preferred by petitioner-husband is accordingly declined.

9. Above observations are made for the disposal of present criminal revision and it will have no bearing on the merits of the case to be decided after recording of evidence.

10. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

02.04.2025.*Sunil Devi*

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No