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

CRR (F)-1616-2024 (O&M)

Date of Decision:- 16.01.2025

JAGTAR SINGH

....Petitioner

Vs.

JASVIR KAUR AND OTHERS

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. G.P.S. Ghuman, Advocate and Mr. P.S. Mann, Advocate
for the petitioner.

AMARJOT BHATTI, J.

1. Petitioner Jagtar Singh filed criminal revision against order dated 27.08.2024 passed by learned Principal Judge, Family Court, Rupnagar in case bearing No.MNT/365/18.05.2021 in which learned Family Court has illegally allowed application for interim maintenance in favour of respondents at the rate of Rs.10,000/- per month each. Feeling aggrieved of this order, present criminal revision has been filed.

2. As per brief facts of the case, Jasvir Kaur and two of her minor daughters filed petition under Section 125 Cr.P.C. (Annexure P-1) against Jagtar Singh claiming maintenance. Jagtar Singh got married with Jasvir Kaur in the year 2008 and out of this wedlock, they have two daughters Gurleen Kaur and Sukhmanjot Kaur. Jasvir Kaur wife levelled allegations against her husband and his family regarding maltreatment given to her in the matrimonial home on account of insufficient dowry. She further claimed that her husband Jagtar Singh gave her beating under the influence of liquor.



She continued to live in the matrimonial home. Thereafter, she was pressurized by her husband and his family to get her share in the parental property. Husband was not providing maintenance to her. She has narrated various incidents which took place in the matrimonial home. She faced domestic violence during her stay in the matrimonial home and since 02.05.2021 she is residing separately. Along with the petition, she filed application for ad-interim maintenance.

3. Petitioner / respondent – Jagtar Singh filed reply (Annexure P-2) denying the allegations levelled against him and his family. He claimed that his wife was short tempered lady who used to pick up quarrel on trifle matters. In-fact, she insulted and ill-treated the respondent and his parents. He levelled counter allegations and was involved in a false FIR of dowry case. Denying allegations in detail, he claimed that petitioners are not entitled to receive maintenance.

During the pendency of said petition, learned Principal Judge, Family Court, Rupnagar called for the affidavits of both the parties regarding their assets and liabilities which are Annexures P-3 and P-4. Thereafter, on hearing arguments respondents were granted ad-interim maintenance by passing impugned order dated 27.08.2024. Feeling aggrieved present revision has been filed.

4. Learned counsel for petitioner argued that interim maintenance awarded in favour of wife and minor daughter ignoring the actual facts and circumstances of the case and it is towards the higher side. At present one of the daughter Gurleen Kaur has started residing with him and the maintenance has been awarded only to Jasvir Kaur wife and minor daughter Sukhmanjot Kaur. Learned counsel referred to the affidavit of Jagtar Singh



(Annexure P-3). Present petitioner was earlier working on contract basis and his services were confirmed as regular employee in June, 2021 and presently working as Assistant Lineman in P.S.P.C.L. Before June, 2021, his monthly income was Rs.8,000/- per month and presently it is Rs.64,060/-. After deduction carry home salary is Rs.48,710/- per month. Present petitioner has been involved in number of litigations for which he had to incur expenditure. He is looking after elder daughter Gurleen Kaur who is studying in 9th Class in BZSBFS Senior Secondary School, Fatehgarh Sahib whereas minor daughter Sukhmanjot Kaur is studying in school at Bela, District Rupnagar. He has referred to the detail of School expenditure. Apart from this, he is taking care of other responsibilities like household expenditure, transportation, medical expenditure, etc. He is paying installments regarding the car and motorcycle to the tune of Rs.20,085/- per month. Whereas Jasvir Kaur is residing in her parental house. Learned counsel for petitioner did not dispute the quantum of interim maintenance granted in favour of wife but claimed that interim maintenance granted in favour of younger daughter is towards the higher side. He referred to the affidavit of Jasbir Kaur (Annexure P-4) where she had claimed maintenance of Rs.5,000/- per month for the minor daughter. Therefore, impugned order dated 27.08.2024 may kindly be modified to the extent that Sukhmanjot Kaur may be granted interim maintenance of Rs.5,000/- per month.

5. No purpose would be served by issuing notice to the respondents as it will lead to unnecessary litigation expenditure and will further lead to delay. All relevant, necessary documents are already annexed with the present revision to appreciate the facts of the case.

6. I have considered the arguments and the documents annexed



with the present criminal revision. Admittedly, present petitioner Jagtar Singh is husband of Jasvir Kaur and out of this wedlock they have two daughters Gurleen Kaur studying in 9th class, at present residing with her father. Whereas Sukhmanjot Kaur is allegedly 8 years old and staying with her mother Jasvir Kaur. Both Jasvir Kaur and minor daughter Sukhmanjot Kaur have been granted maintenance of Rs.10,000/- per month each by passing impugned order dated 27.08.2024. Learned counsel for petitioner Jagtar Singh did not dispute quantum of maintenance awarded in favour of his wife at the rate of Rs.10,000/- per month but it is pointed out that interim maintenance granted to minor daughter at the rate of Rs.10,000/- is towards the higher side since petitioner had claimed maintenance of Rs.5,000/- per month for the child. I have considered this aspect of the case as well as affidavit furnished by Jagtar Singh (Annexure P-3). Admittedly Jagtar Singh is working as Assistant Lineman in P.S.P.C.L whose job was confirmed in June, 2021. As per this affidavit, he is drawing salary of Rs.64,060/- per month and it is claimed that his carry home salary is Rs.48,710/- per month. Apart from this, present petitioner is maintaining a car and scooter. He is living in his own house along with the parents and elder daughter. On the other hand Jasvir Kaur and her minor daughter Sukhmanjot Kaur are staying in the parental house of Jasvir Kaur. They are at the mercy of parental family of the lady. Sukhmanjot Kaur is a school going child aged about 8 years. She needs money for school fee, tuition fee, books, transportation and clothes, etc. Apart from this, they have their expenditure for food, clothes and medical expenditure as and when required. They are entitled to enjoy the same status as that of present petitioner.

Considering the present day expenditure, ad-interim



maintenance awarded in favour of Jasvir Kaur and her minor daughter Sukhmanjot Kaur at the rate of Rs.10,000/- per month each is not excessive. Moreover, parties are yet to lead their evidence and thereafter quantum of maintenance will be adjudicated on the basis of evidence. In the light of aforesaid factual position, I do not find any valid reason to interfere in the impugned order dated 27.08.2024 granting interim maintenance in favour of wife Jasvir Kaur and minor daughter Sukhmanjot Kaur and the same is, accordingly, upheld and criminal revision preferred by petitioner is, accordingly, declined.

7. Pending application (s) if any also stands disposed of.

(AMARJOT BHATTI)
JUDGE

16.01.2025
snd

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