

In the High Court of Punjab and Haryana at Chandigarh

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CRR(F)-314 of 2023(O&M)

Date of Decision: 02.03.2023

Sh. Sandeep Malik

---Petitioner

versus

Renu and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Shobhit Rapria, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition is seeking setting aside of order dated 12.12.2022 whereby Additional Principal Judge, Family Court, Sonipat has allowed maintenance of Rs. 55,000/- per month to respondents i.e. Rs. 25,000/- to respondent No. 1-wife and Rs. 15,000/- per month each to respondents No. 2 and 3-minor daughters of the petitioner.

The brief facts of the case are that petitioner solemnized marriage with respondent No. 1 on 11.11.2011 as per Hindu rites and rituals. Two children were born from this wedlock who at present are staying with respondent No. 1 i.e. wife of the petitioner. The parties could not enjoy fruits of the marriage and started staying separate. The respondent preferred a petition under Section 125 Cr.P.C. seeking maintenance from the petitioner. The matter came up for consideration before Family Court, Sonipat which vide impugned

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order dated 12.12.2022 has awarded maintenance of Rs. 55,000/- per month to the respondents i.e. Rs. 25,000/- to the wife and Rs. 15,000/- per month per child.

Learned counsel for the petitioner inter alia contends that petitioner is indubitably working in Indian Army as Lieutenant Colonel, however, his carry home salary is Rs. 66,000/- per month, thus, he cannot pay a sum of Rs. 55,000/- per month to the respondents.

I have heard counsel for the petitioner and perused the records.

From the perusal of impugned order it states that petitioner is working with Indian Army as Lieutenant Colonel which is a very high ranking position. The gross salary of the petitioner is Rs. 1.98 lakh. As per petitioner, he is getting carry home salary Rs. 66,000/- as he is making payment towards home loan and car loan. He is further contributing towards provident fund and other statutory deductions. The petitioner being holding a very high position is more socially and morally responsible towards his family members. The petitioner is able to pay hefty amount towards home loan and car loan, however, he is trying to deflect from his responsibility towards his legally wedded wife as well children. The petitioner cannot be permitted to deflect from his responsibility which is not only statutory but also social and moral. The petitioner has purchased property No. 1624-P, Sector-46, Gurugram alongwith his mother and brothers. The said property has not been purchased to discharge legal responsibility. The trial court has recorded findings to the extent that it appears that

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property has been purchased for the purpose of development. Nowadays, the cost of living is very high. The petitioner is getting gross salary Rs. 1.98 lakh still he is not ready to pay Rs. 55,000/- per month to his wife and two school going children.

The findings recorded by Family Court are quite fair and convincing. This Court does not find any infirmity or illegality in the impugned order warranting interference. Thus, present petition deserves to be dismissed.

Dismissed.

Pending Misc. application, if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

02.03.2023*paramjit*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

सत्यमेव जयते

