

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 290 of 2016

Shyam Singh Kashyap

....Revisionist

Versus

Smt. Kalpana Singh & another

.... Respondents

Mr. R.P. Nautiyal, Senior Advocate with Ms. Sangeeta Bhardwaj, Advocate for the revisionist.
Mr. Lalit Sharma, Advocate for the respondents.

Judgment Reserved - 21.10.2016

Date of Judgment - 28.10.2016

Hon'ble Rajiv Sharma,J.

The present revision is instituted against the order dated 08.09.2016 passed by learned Additional Judge, Family Court, Roorkee, District Haridwar, in Case No.22 of 2016, "*Smt. Kalpana Singh & another vs. Shyam Singh Kashyap*".

"Key facts" necessary for adjudication of this revision are that the marriage between the revisionist and respondent no.1 was solemnized on 23.11.2010. One daughter was born on 12.03.2012 from the wedlock of the revisionist and respondent no.1. The revisionist has refused to maintain the respondent nos.1 and 2. The revisionist is working as a Software Engineer at Noida.

In these circumstances, respondent no.1 filed an application under Section 125 Cr.P.C. seeking maintenance for herself and her daughter.

According to the averments made in the revision, the income of the revisionist was Rs. 70,000/- per month. Respondent no.1 claimed Rs.45,000/- for the maintenance of herself and her daughter.

The revisionist admitted the marriage. According to him, he was paying Rs.20,000/- as maintenance to his mother, as per order dated 08.01.2016 and was also paying installment of Rs. 14,530/- per month towards the house loan. Learned trial Court awarded maintenance of Rs.10,000/- to each. Hence, the present revision.

It has come on the record that the income of the revisionist was Rs. 52,178/- per month. He has stopped paying the installments of housing loan. The respondent no.1 though was employed but is having meager salary of Rs.15,000/- per month. She was forced by the revisionist to pay the installments of the house loan. She is also looking after the education of her daughter.

The plea taken by the revisionist is that he was paying Rs. 20,000/- per month towards the maintenance of his mother is a ploy to defend the legitimate rights of respondent nos.1 and 2 to claim maintenance. The revisionist is gainfully employed. It is his legal duty to maintain his wife and his daughter.

Accordingly, there is no illegality or perversity in the impugned order. The revision is devoid of any merit and the same is hereby dismissed.

Date: 28.10.2016
NISHANT

(Rajiv Sharma, J.)