

**Criminal Revision No.118/2017**  
**(Badan Singh Taigore v. Smt. Suman Taigore)**

**01/03/2017**

Shri Sandeep Singh Bhadauria, counsel for the applicant.

This Criminal Revision under Section 397/401 of Cr.P.C. has been filed by the applicant challenging the propriety and legality of the order dated 17-1-2017 passed by Principal Judge, Family Court, Morena in case No. 91/2016 by which the Court below has directed the applicant to pay Rs. 3000 per month by way of interim maintenance.

The facts necessary for the disposal of the present application in short are that the respondent has filed an application under Section 125 of Cr.P.C. against the applicant. It is the case of the respondent that She got married to the applicant on 9-3-2015 as per Hindu rites and rituals. However, as the applicant and his family members were not satisfied with the dowry therefore, they started demanding Rs. 2 lacs and a four vehicle and because of non-fulfillment of their demand of dowry, they started harassing and treating the respondent with cruelty. On 17-2-2016, when the respondent was alone in her room, at that time, her father-in-law with an evil intention caught hold of her hand. The applicant had advised her not to disclose the incident to any body. Ultimately on 16-4-2016, the applicant and his family members turned out the respondent from her matrimonial house and from thereafter She is residing in her parents house. She

**Criminal Revision No.118/2017**  
**(Badan Singh Taigore v. Smt. Suman Taigore)**

has no independent source of income and she is unable to maintain herself.

The applicant filed his reply and denied the allegations made by the respondent. He further submitted that he is a student and is unemployed and has no source of income whereas the respondent is earning Rs. 15,000 per month from teaching job and She is also having agricultural income to the tune of Rs. 10,000 per month.

The respondent also filed an application for grant of interim maintenance.

The Court below by order dated 17-1-2017 has awarded Rs. 3000 per month by way of interim maintenance.

Challenging the order dated 17-1-2017, it was submitted by the Counsel for the applicant that the allegations of maltreatment for demand of dowry are false and baseless. Further, the applicant is a student and has no independent source of income whereas the respondent no. is earning Rs. 25,000 per month and She is able to maintain herself.

Heard the learned Counsel for the applicant.

In order to substantiate his claim that the respondent is earning Rs. 25,000 per month, the applicant has not produced any documentary evidence. On the contrary, the respondent has specifically stated that She has no independent source of income and She is unable to maintain herself. It is further submitted by the Counsel for

**Criminal Revision No.118/2017**  
**(Badan Singh Taigore v. Smt. Suman Taigore)**

the applicant that the parents of the respondent were already told prior to the marriage that the applicant is a student and is not earning anything. If the parents of the respondent agreed to marry their daughter with an unemployed person, then in fact they are responsible and the respondent is not entitled to get any maintenance amount.

So far as the question of unemployment of the applicant is concerned, he cannot get away with his liability to maintain his wife. It is well established principle of law that the duty to maintain his wife is the personal obligation of the husband. The applicant was knowing well that he is unemployed, and even if he agreed to marry the respondent then he cannot avoid his personal obligation of maintaining his wife, merely by saying that even the parents of the respondent were also aware that the applicant is a student and is an unemployed person having no independent source of income. The husband cannot avoid his personal obligation to maintain his wife merely by saying that he has no source of income. The applicant is a healthy person and if he has married a girl then he has to discharge his duty of maintaining his wife. Therefore, this Court is of considered opinion that the applicant cannot get away with his personal obligation of maintaining his wife, merely by saying that he is a student and has no independent source of income.

So far as the allegations of maltreatment are

**Criminal Revision No.118/2017**  
**(Badan Singh Taigore v. Smt. Suman Taigore)**

concerned, suffice it to say that at this stage the correctness of the allegations cannot be judged and can be decided only after the evidence of the parties are tested on the touchstone of the cross-examination.

It is further submitted that the applicant is ready and willing to keep the respondent with him. Nothing has been brought on record to show that any efforts, much less the sincere efforts, were ever made by the applicant to resolve the matrimonial dispute and to bring the respondent back. Merely by saying that he is ready and willing to keep the respondent with him, the applicant cannot get away with his liability to maintain his wife.

So far as the question of quantum of interim maintenance is concerned, looking to the price index as well as the cost of living, it cannot be said that the amount of Rs. 3000 is on higher side.

Thus, in the considered opinion of this Court, the Trial Court did not commit any mistake or illegality in awarding Rs. 3000 per month by way of interim maintenance.

Hence, this application fails and is hereby **dismissed**.

**(G.S.Ahluwalia)**  
**Judge**