

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 629/2019

Sarvjeet Kaur

----Petitioner

Versus

1. State of Rajasthan.
2. Lakhveer Singh

----Respondents

For Petitioner(s) : Mr. Kuldeep Sharma
For Respondent(s) : Mr. Mukesh Trivedi, PP
Mr. Mahesh Khayani

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**Order****23/05/2022**

This criminal revision petition has been preferred claiming the following reliefs:

"It is, therefore, most respectfully prayed that this revision petition may kindly be allowed and the order dated 06.03.2019 passed by the learned Family Court, in Criminal Misc. Case No.101/2016 (Sarvjeet Kaur & Ors. Vs. Lakhveer Singh) may kindly be quashed and set aside and the respondent No.2 also ordered to be directed to pay maintenance of Rs.10,000/- to humble petitioner."

Learned counsel for the petitioner submits that the petitioner-wife alongwith her two children, are living separately, and thus, they sought maintenance, which was partly allowed and the children were granted maintenance to a sum of Rs.3000/- per

month each. The maintenance was not granted to the petitioner-wife as she knew tailoring job and was stitching clothes for the ladies at domestic level.

Learned counsel for the respondent No.2-husband opposes the submissions on the ground that the respondent No.2-husband is a welder and does not have any source of income.

On being asked, it was also reported that the maintenance awarded to the children has not been paid after the impugned order was passed.

This Court, after hearing the submissions and analyzing the record of the case, is of the firm opinion that even if the petitioner-wife is stitching clothes domestically then also she is entitled to get the maintenance. The respondent No.2-husband is a welder, which is almost like a skilled workman, and thus, it cannot be presumed that he is not earning sufficiently to maintain the petitioner-wife, even if the petitioner-wife has some income source, then also there are three family members whom the respondent No.2-husband is liable to maintain. In the given circumstances, it is a fit case for grant of maintenance to the petitioner-wife.

In view of the above, the present revision petition is allowed, the impugned order dated 06.03.2019 passed by the learned Family Court in Criminal Misc. Case No.101/2016 (Sarvjeet Kour and Ors. Vs. Lakhveer Singh) is quashed to the extent of denial of maintenance to the petitioner-wife and it is directed that the petitioner-wife shall also be paid the monthly maintenance to a sum of Rs.3000/- from the date of filing of the initial application. However, it is made clear that the monthly maintenance of the

