BLOGS

Important Judgements for CLAT PG 2024: Anuj Garg and Another v. Deepak Kumar Garg

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Anuj Garg and Another v. Deepak Kumar Garg Date – 3rd October 2022 Bench – Justices Dinesh Maheshwari and Justice Bela M Trivedi

Highlight

An able-bodied husband is duty-bound to maintain his wife and minor child even by doing physical labor, and he cannot shirk that responsibility by saying he has no source of income.

Summary of the Case

In this case, an appeal was filed challenging a decision of the Punjab and Haryana High Court, which had upheld a Family Court's decision to reject the maintenance plea filed by the respondent-wife under Section 125 of the Code of Criminal Procedure (CrPC). However, it granted maintenance to the minor child.

The wife who filed the appeal said that the High Court made the decision very quickly and didn't take into account how the husband acted during the Family Court proceedings. On the other hand, the respondent-husband said that the appellant wife had left the marital home with the children for no good reason and hadn't shown that she couldn't support herself. He also stated that, while he has a party plot, which has since been closed, he has no other source of income.

The Supreme Court said that "the Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children." "The husband is required to earn money even by physical labor if he is able-bodied and could not avoid his obligation except on the legally permissible grounds mentioned in the statute."

The Supreme Court, while allowing the maintenance allowance of 10,000 per month to the appellant-wife, said that after analyzing the evidence on record, the Court has no hesitation in holding that, though the respondent had a sufficient source of income and was able-bodied, he had failed and neglected to maintain the appellants.

You can find the judgement here: https://indiankanoon.org/doc/116873845/