

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.178 of 2014

Date of Decision.18.03.2015

Neeraj d/o Baljit Singh

.....Petitioner

Versus

Sandip Sandhi

.....Respondent

Present: Ms. Sarika Gupta, Advocate
for the petitioner.

Mr. B.P. Singh, Advocate
for the respondent.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioner who has secured a maintenance for ₹ 2500/- for herself and ₹ 1000/- for her child in matrimonial proceedings in application under Section 24 of the Hindu Marriage Act is aggrieved that the amount is not adequate. She has also opened another front of attack against the husband through application under Section 125 Cr.P.C. It appears that the Court has awarded a maintenance of ₹ 5,000/- in the said proceedings. While the order already passed by this Court under Section 24 of the Hindu Marriage Act must be taken as only substituting to the amount awarded in the proceedings under Section 125 Cr.P.C. and not in addition, I will find that there is a scope for a further increase of ₹ 1000/- by way of maintenance for herself and her child, considering the fact that the husband is earning ₹ 31,600/- for

which proof is adduced. The counsel appearing on behalf of the respondent says that the respondent-husband has other important obligations of having to support his parent and unmarried sister. He would also state that his carry home salary is only ₹ 17,000/- after deductions.

2. I find that the major deduction from the salary is a large slice which he has allowed for compulsory deduction towards provident fund. It must be seen as saving in his favour and ought not to be taken as an expenditure item. The counsel for the respondent also states that the petitioner is a graduate and secured also diploma in computer application and she also augments her income through cutting and tailoring work. A woman who has to support a child cannot be expected to be idling and if she is making her livelihood to support herself and her child, she would require to be empowered further and the husband must stand by her financially, if not emotionally, in their present separated status. The increase of another amount of ₹ 1000/- will be appropriate in addition to what is already determined by the Magistrate in the proceedings under Section 125 Cr.P.C. which is confirmed by the District Court. Consequently, the split up will be ₹ 3500/- to the wife and ₹ 2500/- to the son. This will be operative from the date when the civil revision was filed.

3. With this modification, the civil revision is disposed of.

(K. KANNAN)
JUDGE

March 18, 2015
Pankaj*