

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-1913 of 2015

Date of Decision: January 21, 2015

Amritpal Singh

...Petitioner

VERSUS

Roshan Chirag

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.M.S.Bedi, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for setting aside order dated 29.07.2013 passed by learned JMIC, Ludhiana fixing the interim maintenance to the tune of ₹3000/- and judgment dated 10.04.2014 passed by learned Addl. Sessions Judge, Ludhiana whereby the interim maintenance has been enhanced from ₹3000/- to ₹10,000/- per month.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that an application was filed by the minor son of the petitioner against the petitioner for interim maintenance alleging that the present petitioner is serving as District Food Supply Controller, Chandigarh and is drawing salary of ₹55,000/- per month. The present petitioner has various moveable and

immovable properties and had sufficient bank balance and is getting interest and from all sources, he is earning ₹1 lac.

Learned JMIC, Ludhiana granted interim maintenance of ₹3000/- per month vide impugned order dated 29.07.2013. The present petitioner has challenged the above-said order. No ground is made out to set aside the impugned order passed by learned JMIC, Ludhiana. Rather, the interim maintenance granted by learned JMIC, Ludhiana looks to be meagre and has been enhanced in the revision petition filed by minor Roshan Chirag present respondent. Nothing has been argued that minor has any source of income or any property in his name from which he can maintain himself. Learned Addl. Sessions Judge, Ludhiana in the revision petition filed by Roshan Chirag, enhanced the interim maintenance to ₹10,000/- per month correctly. Even if it is taken that mother of minor son is a earning hand and drawing salary of ₹45,000/- per month, even then, the present petitioner cannot escape his liability. He is also to contribute for the maintenance of minor son, who is a school going child. Learned Addl. Sessions Judge, Ludhiana has correctly passed the impugned judgment dated 10.04.2014 keeping in view the totality of circumstances and currently soaring prices of bare necessities of daily life such as food, medicines, clothes etc.

Further, the present petitioner has also challenged the impugned order passed by learned JMIC, Ludhiana, in the revision petition filed by present petitioner before learned Addl. Sessions Judge, Ludhiana and this petition under Section 482 Cr.P.C. is nothing

but amounts to second revision, which is not permissible under the law.

In view of the above discussion, I find that the impugned orders passed by the Courts below are correct and as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

January 21, 2015
Vgulati

(INDERJIT SINGH)
JUDGE