

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-1932 of 2015

Date of Decision: January 21, 2015

Amardeep Verma

...Petitioner

VERSUS

Shaveta Verma and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Dinarpur, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for setting aside order dated 20.10.2014 passed by learned Addl. Chief Judicial Magistrate, Patiala vide which respondent No.1 has been held entitled to ₹8000/- per month and respondent No.2 has been entitled to ₹2000/- per month as maintenance and also for setting aside the order dated 11.12.2014 vide which learned Addl. Sessions Judge, Patiala has dismissed the revision filed by the petitioner.

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

From the record, I find that first of all, order dated 20.10.2014 has been passed by learned ACJM, Patiala on the application filed by Shaveta and Dev Parkash Verma minor son

against Amardeep Verma (present petitioner), Roshan Lal and Swaran Lata respondents granting maintenance of ₹8000/- per month to Shaveta Verma and ₹2000/- per month to Dev Parkash Verma. The revision has been filed against this order and learned Addl. Sessions Judge, Patiala dismissed the revision vide order dated 11.12.2014.

The main argument of learned counsel for the petitioner is that petitioner was directed to pay the interim maintenance of ₹5,000/- per month under Section 24 of the Hindu Marriage Act in another proceeding by the Court of District Judge whereas now in the proceedings under Domestic Violence Act, the maintenance has been increased to ₹8000/- to respondent No.1 and ₹2000/- to respondent No.2 minor son per month. The present petition under Section 482 Cr.P.C. has been filed only on this ground.

As the revision petition has already been dismissed by learned Addl. Sessions Judge, Patiala against the order passed by Addl. Chief Judicial Magistrate, Patiala, therefore, present petition under Section 482 Cr.P.C. is not maintainable as it has been filed in the guise of second revision, which is not permissible under the law as per Section 397(3) Cr.P.C..

Furthermore, learned counsel for the petitioner failed to show that the orders passed by the Courts below amount to miscarriage of justice. He has only contended that some excessive amount has been granted as maintenance and it should be as granted by District Judge in the petition under Section 24 of the Hindu Marriage Act. The wife and minor son claimed that present petitioner

is earning between ₹60,000/- to ₹70,000/- per month. Even if, respondent No.1 Shaveta is earning amount of ₹7,500/- per month as gross salary, even then, the maintenance can be granted to the wife to maintain herself and her child as per the status of the family and in view of the income of the husband. In the order passed by learned Addl. Chief Judicial Magistrate, no specific income has been given by the present petitioner. It is stated that petitioner is only earning ₹8000/- per month by doing work of Electrician.

The Court has considered all these pleadings and has granted the maintenance on the basis of soaring prices of daily necessities and also considered that the petitioners (present respondents) are to pay the electricity, water bills and has to spend day-to-day expenses.

After perusing the impugned order and judgment passed by the Courts below, I find that no miscarriage of justice has taken place. The interim maintenance granted under the Domestic Violence Act, in no way, can be held as excessive.

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

January 21, 2015
Vgulati

(INDERJIT SINGH)
JUDGE