

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.30681 of 2011(O&M)
Date of Decision : 23.01.2015**

Om Parkash

..... Petitioner

Versus

Smt. Kusum

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vineet Chaudhary, Advocate
for the petitioner.

Mr. Mohinder Arora, Advocate
for Mr. V.P. Arora, Advocate
for the respondent.

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?

AJAY TEWARI, J. (Oral)

This petition has been filed against the order dated 22.07.2010 passed by the District Judge, Faridabad whereby the petitioner has been directed to pay a sum of Rs.4000/- p.m. to the respondent as an enhanced maintenance allowance.

In the year 1996, the respondent was granted maintenance of Rs.400/- p.m. under Section 125 Cr.P.C. After almost 15 years, she filed an application for enhancement of the maintenance allowance and the same was enhanced to Rs.4000/- p.m. as mentioned above.

The first argument raised by learned counsel for the petitioner

is that the enhancement was allowed by the Family Court whereas it should be allowed by the same Magistrate. The second argument is that the application should not have been allowed from the date of the application but from the date of the order.

As regards the first argument, the learned counsel for the respondent has argued that this objection was never taken before the Family Court and now the petitioner cannot be allowed to displace the whole case of the respondent.

In my opinion, this objection is meritless. Therefore, the first argument is rejected. As regards the second argument, to my mind, it has no legal basis. Therefore, the second argument is also rejected.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

January 23, 2015

ashish

**(AJAY TEWARI)
JUDGE**