

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CRM M-33273 of 2011

Date of Decision: October 29, 2015

Nirmal Rani @ Mamta and another

.....Petitioners

Vs.

Ashok Kumar Uppal

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mrs.R.P. Kaur, Advocate for  
Ms.Gurpal Kaur, Advocate  
for the petitioners.

Mr.Aashish Verma, Advocate  
for the respondent.

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**M.M.S. BEDI, J.**

Petitioners had been granted maintenance under Section 125 Cr.P.C. by the order of Judicial Magistrate Ist Class, Amritsar dated October 3, 2007, at the rate of Rs.1600/- p.m. She filed a revision petition which was allowed vide order dated July 23, 2011, whereby the Additional Sessions Judge held that petitioner No.1 will be entitled to maintenance at the rate of Rs.1500/- per month and petitioner No.2 at the rate of Rs.1000/- per month from the date of application i.e. July 21, 2010. The Additional Sessions

Judge has observed that petitioner No.1 has been in the habit of misbehaving with the Presiding Officer and said act warranted launching of contempt of Court proceedings but it appears that the Courts have been showing magnanimity in not initiating any proceedings. The petition remained pending before this Court from 2011.

When the petition was taken up for hearing at about 4.30 p.m., petitioner No.1 appeared in person and objected to the adjournment of the case and stated that she has been harassed for the last many years on account of pendency of this petition before this Court as such her counsel was asked to argue the matter. Counsel sought time for adjournment but in view of the eagerness of the petitioner she was heard in person.

Main grievance of petitioner No.1 had been that her husband is running a shop of Karyana and she is looking after the son born out of the wedlock and it appears that the daughter born out of the wedlock is maintained by the husband. Petitioner No.1 levelled allegations against her husband- respondent that he is under the influence of his brother who do not permit him to reconcile the matter or to pay any amount to petitioner No.1 and her son. The Court was converted into Lok Adalat and an attempt was made to bring about reconciliation. The husband and his brother were heard. Brother of the respondent has submitted that he has got no objection in case the parties re-unite. The husband also has no objection in case even at this stage petitioner No.1 joined his company but petitioner No.1 and her father appearing before the Court have a list of complaints against the respondent

and his brother as such the parties could not arrive at any amicable settlement.

Irrespective of the above said conduct of the parties I have taken into consideration the orders passed by the Courts below and directed the respondent to clear the arrears of maintenance. A sum of Rs.25500/- has been paid towards maintenance at the rate of Rs.2500/- per month, in the shape of three bank drafts, copy of which has been taken on record.

Taking the judicial notice of the price rise and the capacity and capability of the respondent to pay the maintenance, in the interest of justice, the total amount of maintenance payable to the petitioners is enhanced at the rate of Rs.500/- each. The total amount of maintenance payable to the petitioners would be at the rate of Rs.3500/- per month w.e.f. the date of this judgment. Modifying the order of the revisional Court, the amount of maintenance is enhanced from Rs.2500/- per month to both the petitioners to Rs.3500/- per month.

Disposed of.

October 29, 2015  
sanjay

(M.M.S.BEDI)  
JUDGE