

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34224 of 2013

Date of decision: July 17, 2015

Manveen Kaur

.... Petitioner..

Versus

Rajdeep Singh and another

.... Respondents..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Madhu Dayal, Advocate
for the petitioner.

Mr. Raman Mahajan, Advocate,
for the respondents.

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?

Jaspal Singh, J.

CRM No. 16550 of 2015

Prayer in this application is for placing on record cross-examination of Mrs. Manveen Kaur-petitioner recorded on different dates.

Application is dismissed as the documents sought to be placed on record are not required for the disposal of instant petition.

Main case

Through this petition preferred under Section 482 of the Code of Criminal Procedure (for short, "Cr.P.C.") petitioner has sought

enhancement of maintenance and subsistence of petitioner and her minor son, granted vide order dated November 15, 2012 passed by JMJC, Patiala and was upheld by Id. Additional Sessions Judge, Patiala vide order dated April 01, 2013, from ₹30,000/- per month to ₹1,00,000/- per month as interim maintenance.

2. While assailing impugned orders, it has been contended by learned counsel for petitioner that maintenance allowance awarded to petitioner and her son is insufficient and deserves to be enhanced. In fact, Id. trial court as well as appellate court did not consider income of respondent No.1 properly, which has resulted into grave illegality while awarding interim maintenance @ Rs.30,000/- per month, which is otherwise on the lower side. Respondent No.1 has sufficient means and his income from all sources is approximately ₹90 lacs per annum. Respondent No.1 is owner of various properties, which would having a market value around ₹100 crores. Yet, only an amount of ₹30,000/- has been granted as maintenance and subsistence allowance to petitioner as well as to her son. The expenses of petitioner is around ₹25,000/- per month whereas a sum of ₹41,000/- per month is being incurred by petitioner on her minor son, including his school fees and medical. Besides it, electricity, tube-well and sewerage expenses are also around ₹15,000/- per month. Petitioner has no source of income and she has not worked since her marriage with respondent No.1 in the year 2004 whereas respondent No.1 enjoying a lavish lifestyle.

3. On the other hand, learned counsel for respondents has submitted that there is no infirmity or illegality in the impugned orders

passed by both the courts below. In fact, petitioner is having large number of FDRs amounting more than ₹10 lacs in her name. Besides it, she is also earning a sum of ₹50,000/- as rent from her flat at Gurgaon and shop-cum-flat at Manimajra. It has further been urged that petitioner is practising as an Advocate in this Court. Learned counsel for respondents also made an effort to refer statement of petitioner recorded in a petition under Section 125 Cr.P.C. to point out that petitioner has sufficient means to earn her livelihood as well as to meet the expenses of her minor son. Thus, it has been submitted that amount already awarded by the Courts below is more than suffice and no enhancement is required.

4. After bestowing due consideration to the aforesaid submissions made by learned counsel for the parties and scrutinizing various documents available on record, this Court is of the considered view that an amount of ₹30,000/- per month awarded by Id. trial court as interim maintenance/subsistence allowance is on the lower side and deserves to be enhanced in view of the facts and circumstances of the case.

5. It is pretty settled law that while deciding application for interim maintenance under Section 125 Cr.P.C., trial court is not required to critically examine or marshal the evidence on record, as it would tantamount to prejudging the case, which may lead to cause prejudice to either of the parties to the proceedings. However, perusal of other documents on record reveal that respondent No.1 has sufficient means as he is owner of various properties. He can be said to be enjoying a

good lifestyle. It is also a settled proposition of law that wife and child are entitled to same status, lifestyle and comfort as they were enjoying prior to matrimonial discord. Since, it is prima facie proved on record that respondent No.1 owns properties worth crores of rupees, an amount of ₹30,000/- per month can be said to be inadequate in the present days when price of each and every commodities is touching the sky. Thus, this Court is of the considered view that amount awarded by courts below deserves to be enhanced from ₹30,000/- per month to ₹50,000/- per month.

6. In the light of what has been discussed above, petition is allowed and an amount of ₹30,000/- per month awarded as maintenance allowance by Id. trial court and upheld by appellate court stands enhanced to ₹50,000/- per month.

7. This order shall be operative from the date of application moved under Section 125 Cr.P.C. before the trial court.

July 17, 2015
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(JASPAL SINGH)
JUDGE