

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-42128 of 2015

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Date of decision:14.12.2015

Malkiat Kaur

...Petitioner

v.

Manjit Singh and others

...Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Avtar Singh Syan, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for grant of maintenance to the petitioner @₹15,000/- per month recoverable from respondent No.1 and further past maintenance from the date of filing of petition under Section 125 Cr.P.C. i.e. 16.11.1988 to till date @₹500/- per month and further revisable at reasonable rate as per the income of respondent No.1 along with interest @12% per annum on past maintenance by way of modifying/recalling the order dated 17.7.2002 passed by this Court in Criminal Misc. No.33310-M of 2000 titled as Malkiat Kaur v. Subedar Manjit Singh and further directing respondents No.1 and 2 to give half share in the property of respondent No.1, which is illegally and in connivance transferred in the name of respondent No.2 by

respondent No.1.

Learned counsel for the petitioner argued that the order passed by this Court in Criminal Misc. No.33310-M of 2000 titled Malkiat Kaur v. Subedar Manjit Singh and others be modified/recalled vide which the maintenance has been granted by this Court as per the impugned order.

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

From the record, I find that Criminal Misc. No.33310-M of 2000 had been filed before this Court challenging dismissal of application for maintenance by the Judicial Magistrate Ist Class, Patiala and dismissal of revision petition against the said order, which was allowed by this Court on 17.7.2002 granting arrears of maintenance @ ₹50,000/- for the past maintenance payable in instalments of ₹10,000/- each within a period of one year. The future maintenance for the children w.e.f.1.8.2002 was fixed at ₹500/- per month each, which was ordered to be payable till the children attain the age of majority. This is a final order passed by this Court.

As per Section 362 Cr.P.C. no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error. This Court has no power to set aside its own order or modify the same.

Further more, if the petitioner wants to get the maintenance at some higher rate etc., then the remedy lies with the petitioner to approach the Magistrate/Family Court first in the changed circumstances etc., but in no way, this Court can set aside or recall the order or can modify the order.

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Therefore, finding this petition as not maintainable, the same is dismissed.

December 14, 2015.

(Inderjit Singh)
Judge

hsp