

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

CRM-M-42558 of 2015

Date of Decision: December 18, 2015

Dayawanti @ Mansi

...Petitioner

Versus

Subhash Verma

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Arpandeeep Narula, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Through this petition preferred under Section 482 Cr.P.C. the petitioner-wife Dayawanti @ Mansi has sought to challenge the impugned order dated 17.10.2015 passed by learned Additional Sessions Judge, Sirsa in a criminal revision of the wife, whereby, she has challenged an order passed in her petition under Section 125 Cr.P.C. by the Court of learned Sub Divisional Judicial Magistrate, Ellenabad, Sirsa dated 08.03.2013, whereby, wife was allowed maintenance to the tune of ₹2000/- per month from the date of judgment and that the revisional Court in exercise of its power had enhanced the amount to ₹8000/- per month from the date of passing of impugned judgment and still aggrieved over this enhancement has come up before this Court.

Heard, learned counsel for the petitioner.

It is well elaborated in the findings of the learned Magistrate, while appreciating the evidence of the husband-Subhash

Verma, RW1 based on his affidavit Ex.RW1/A and that of his witness RW2 Mahavir Parsad to the effect that the husband owned 08 bighas of land, whereas, it has been categorically recorded in the findings made by the Courts below that wife as PW1 in her affidavit Ex.PW1/A as well as in her cross-examination admits the fact that her father was died on 27.01.2003 and that on account of which she has inherited estate of her father along with her brother and mother and, whereby, admitting mutation Ex.DB admits that she owns 1/4th share in the land measuring 32 kanals and 14 marlas and, thus, at on a higher side than that of a husband as has been observed by the revisional Court in the impugned findings. No doubt, the Court has to see the stark realities of life and the fact that the husband is under an obligation to maintain his wife and has rightly considered the price index of essential commodities enhanced the maintenance from ₹2000/- to ₹8000/- per month together with the fact that the wife owns land and has her own source of income also needs to be considered. Thus, to the mind of this Court there is an adequate and appropriate enhancement of the maintenance which is more than four times of what has been awarded by the learned Magistrate and, thus, there is correct appreciation of the evidence as well as law. There being neither any illegality or perversity and, thus, finding no merit in the instant petition the same needs to be dismissed in limine.

Ordered accordingly.

(FATEH DEEP SINGH)
JUDGE

December 18, 2015
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