

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 1980 of 2011 (O&M)
Date of decision : September 24, 2015

Sonika and another,

..... Petitioners

v.

Arun Aggarwal,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Divya Sarup, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

Mr. Anurag Jain, Advocate
for the complainant.

1. **Whether Reporters of Local Newspapers 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 revision petition has been filed against the order dated 2.6.2011 passed by the Family Court granting maintenance of ₹ 5,000/- per month to petitioner No.1 and ₹ 1000/- per month to petitioner No.2.

Both sides have vigorously argued in respect of their case. Counsel for the petitioners has argued that the respondent is a multi millionaire having properties over Punjab, Haryana, UP and Uttrakhand.

Counsel for the respondent has argued that the allegation that the respondent has properties over various States is completely baseless and that even as per the testimony of petitioner No.1, the income of the respondent was not more than ₹ 6,000/- per month.

I put it to counsel for the respondent as to what was the age of the child (petitioner No.2) when the original order of maintenance was passed. He has accepted that when the application was filed the child was three years old; at the time of the decision of the application he was six years old; and today he is 10 years old. I then put it to counsel for the respondent that within the age of 5 to 10 years, expenses of a child would go up tremendously, since the child starts going to school and prior to that it is only food, clothes, shelter expenses etc. He is not in a position to deny this fact but states that since the respondent does not have the income and since it is petitioner No.1 who has unjustifiably and illegally withdrew from the company of the respondent, there is no case for enhancement of the maintenance.

As far as the arguments of counsel for the respondent are concerned, there may be a bar to enhance the maintenance for petitioner No.1. It is also not disputed that the respondent filed a revision petition against the award of maintenance of ₹ 5,000/- to petitioner No.1, which was dismissed. In these circumstances, I am not inclined to increase the maintenance of petitioner No.1 but I see no reason to limit the maintenance of petitioner No.2 at ₹ 1,000/-. To my mind, in ₹ 1,000/- a growing child cannot be given milk even for a month. In the circumstances, this petition is partly allowed and the maintenance of petitioner No.2 is enhanced to ₹5,000/- from the date of filing of this petition.

(AJAY TEWARI)
JUDGE

September 24, 2015
`kk'

