

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 1700 of 2012
Date of decision : December 14, 2015

Sher Singh

....Petitioner

versus

Phuli

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. R. Kartikeya, Advocate, for the petitioner
Mr. Rose Gupta, Advocate, for the respondent

Fateh Deep Singh, J. (Oral)

Earlier in an application under section 125 read with section 127 of Code of Criminal Procedure, 1973, the petitioner-wife Phuli now respondent, had sought from respondent-husband Sher Singh now revisionist, maintenance allowance.

The short grounds canvassed by the wife are that her marriage was solemnized with the respondent in the year 1970, out of which two daughters were born who both are married alleging that the husband had started ill-treating her and his behaviour which was so since the inception of marriage did not change and had been insisting the wife to get male child

and thus on account of such acts the wife was thrown out and forced to abandon her matrimonial home. The wife filed petition under section 125 Cr.P.C. and vide orders dated 11.3.1995, the then court of learned Additional Chief Judicial Magistrate, Hisar allowed maintenance to the tune of Rs 300/- per month to the petitioner from the date of filing of the application. Faced with the agony of making both her ends meet, the refusal of the husband to maintain her, the petitioner had invoked the jurisdiction of the courts repeatedly on many occasions. It was claimed that the husband was agriculturist owning more than 15 acres of land and earning Rs 25,000/- per month though the husband has stoutly denied the same and the wife claimed that the previous orders of maintenance of Rs 300/- was insufficient in view of the rising trend of prices and sought enhancement of the same. After recording evidence through the impugned orders dated 3.5.2012, the court of learned District Judge (Family Court), Hisar enhanced the maintenance to Rs 2500/- per month from Rs 300/- from the date of present petition. Against the same, the husband has come up in this petition.

Heard Mr. R. Kartikeya, Advocate, for the petitioner and Mr. Rose Gupta, Advocate, for the respondent and perused the record.

Having regard to the fact that earlier maintenance so granted was awarded way back in the year 1995, since then there has been astronomical increase in the prices of essential commodities and cost of living. The husband being able bodied person and owns sufficient property

and income and has refused to maintain the wife. Having regard to the contentions of the respondent's counsel that with Rs 2500/- per month it is difficult to run the house-hold that has sought to be controverted on behalf of the revisionist, however, keeping in view the current rates of essential commodities and the fact that the wife needs money to have a roof on her head and thus to the mind of this Court a sum of Rs 2500/- per month is rather on the lower side. Thus there is no legally sustainable cause and reason to show indulgence in such an order under revision. There is no illegality or perversity in the impugned orders of the courts below and the revision petition is without any merit and needs to be dismissed and is as such dismissed out-rightly.

December 14, 2015**'tiwana'****(Fateh Deep Singh)
Judge**