

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.1442 of 2015
and
Criminal Revision (F) No.28 of 2013 (O&M)

.....

Date of decision:16.1.2015

Parveen Devi and another

...Petitioners

v.

Vijender Singh

Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Sumit Sangwan, Advocate for the petitioners.

Mr. Rakesh Dhiman, Advocate for the respondent.

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Inderjit Singh, J.

Cr. Misc. No.1442 of 2015:

For the averments made in the criminal miscellaneous application, documents i.e. salary slip Annexures-R.1 and affidavit R.2 are taken on record subject to all just exceptions.

The criminal miscellaneous application stands disposed of.

Cr. Rev.(F) No.28 of 2013:

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 18.3.2013 passed by learned District Judge (Family Court), Bhiwani, vide which the petition filed under Section 125 Cr.P.C. by the petitioners wife and son of the

respondent has been partly allowed by granting total ₹6,000/- per month to them as maintenance. The Family Court has granted ₹3,500/- per month maintenance to petitioner No.1 and ₹2,500/- to petitioner No.2.

Notice of motion has been issued in this case.

Mr. Rakesh Dhiman, learned Advocate has put in appearance on behalf of the respondent and contested this petition.

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

As per the record, Parveen Devi-wife and Aman Singh-minor son of respondent-Vijender Singh filed petition under Section 125 Cr.P.C. for maintenance. It is stated in the application that respondent-Vijender Singh is earning ₹30,000/- per month as salary, besides, he has agricultural land.

On the other hand, the case of the respondent is that he does not possess any agricultural land, rather, he is a casual labourer and has limited income.

The learned Family Court while assessing the income of the respondent at ₹20,000/- per month has granted ₹3,500/- per month as maintenance to petitioner No.1 and ₹2,500/- per month to petitioner No.2.

At the time of arguments before this Court, it was argued that there is about 10 acres of land owned by the family. Out of which the present respondent's share will come about two acres. The counsel for the respondent also placed on record a salary certificate showing his income as ₹22,213/- now, where he is posted and further benefit of provident fund

by Company's contribution of ₹1,120/- and ₹1,120/- is to be contributed by the respondent towards CPF. The argument of the learned counsel for the respondent that he has also to maintain his parents has no force as at the same time he admits that there is agricultural land in the name of the family. So, his father is not dependent upon the respondent. Even if it is taken that the respondent is earning more than ₹20,000/-, even then the maintenance granted by the family Court to the petitioner is inadequate.

Keeping in view the status of the parties, income of the respondent and the high prices of goods of daily needs, the maintenance granted to petitioner No.1 is liable to be enhanced to ₹5,000/- from ₹3,500/- per month and ₹3,500/- to petitioner No.2 from ₹2,500/- per month.

In view of the above discussion, the present criminal revision petition is allowed and maintenance granted to the petitioners is enhanced to ₹5,000/- to petitioner No.1 from ₹3,500/- per month and ₹3,500/- to petitioner No.2 from ₹2,500/- per month from the date of petition filed before the Family Court.

January 16, 2015.

(Inderjit Singh)
Judge

hsp