

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision (F) No. 210 of 2014
Date of decision: 15.1.2015

Kamlesh Devi and another

.....Petitioners

Versus

Pawan Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. V.K.Gupta, Advocate
for the petitioner.

SABINA, J.

Petitioners have filed this petition under Section 401 of the Code of Criminal Procedure, 1973 (Cr.P.C.) challenging the order dated 6.10.2014 whereby petition filed by the petitioners under Section 127 Cr.P.C., was allowed.

Learned counsel for the petitioners has submitted that the enhancement allowed by the Trial Court was on the lower side. In fact, petitioners were entitled to receive the maintenance at a higher rate, in these days of high prices. Petitioner No. 2 was a college going girl and required more amount for her maintenance.

Petitioners has filed petition under Section 125 Cr.P.C. against the respondent and vide order dated 17.9.2007, the said petition was allowed by the Trial Court. Petitioner No. 1 was granted maintenance at the rate of ₹ 1500/- per month whereas petitioner No. 2 was granted maintenance at the rate of ₹ 1000/- per month.

Thereafter, petitioners filed the petition under Section

127 Cr.P.C. claiming enhancement of the maintenance amount. The said petition was opposed by the respondent. Parties led their evidence in support of their case.

Case of petitioner No. 1 was that she had already borrowed huge amount for meeting the expenses qua marriage of her daughter Sushila and she had to repay the loan taken by her. Respondent was working as Head Cashier with Punjab National Bank and was getting a salary to the tune of ₹ 45,000/- per month. Respondent was also having a three storied house and had rented out the two blocks out of the said premises and was earning ₹ 20,000/- per month by way of rent.

Case of the respondent, on the other hand, was that he was getting a salary to the tune of ₹ 17,409/- per month and he was living in a small house and had not rented any portion of the said house.

It has been noticed by the Trial Court that as per the salary statement Ex. P3, the respondent had drawn ₹ 35,344.41 paisa as salary for the month of January 2012, ₹. 40,056.40 for the month of February 2012, ₹ 69,517.12 for the month of March 2012, ₹ 34,877.12 for the month of April 2012, ₹ 35,955.60 for the month of May 2012, ₹ 34,814.87 for the month of June 2012 and ₹ 33282.30 for the month of July 2012.

Respondent proved on record salary certificate Ex. R-3 and as per the said certificate, gross salary of the respondent was ₹ 40,536/- per month. However, respondent got net salary to the tune of ₹ 13,585/- after deductions. The Trial Court, after considering the facts and circumstances of the case enhanced the amount of maintenance qua the petitioners at the rate of ₹ 5,000/-

per month each. The enhanced amount of maintenance allowed by the Trial Court to the petitioners cannot be said to be on a lower side as the respondent is to pay ₹ 10,000/- per month to the petitioners in view of the impugned order.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

January 15, 2015

Gurpreet