

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

**Criminal Revision (F)No.99 of 2014
Date of Decision: 13.10.2015**

Aditi Sehgal & another

...Petitioner(s)

Versus

Vinit Narula

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Vivek Aggarwal, Advocate
for the petitioner (s).

None for the respondent.

HARI PAL VERMA J.

Petitioners namely Aditi Sehgal along with her minor daughter Naman @ Sahib have filed the present revision petition seeking modification of order dated 10.2.2014 passed by learned District Judge, Family Court, Ambala by enhancing the maintenance.

Petitioners had filed a petition under Section 125 CrPC claiming maintenance from the respondent-Vinit Narula. As per the averments made, the marriage between petitioner no.1 and the respondent was solemnised on 20.9.2010 and a son namely Naman @ Sahib, petitioner no.2, was born out of this wedlock on 28.11.2011. In the marriage, sufficient dowry articles were given, but despite that, the family members of the respondent started

maltreating the petitioner no.1 and asked her to bring cash amount of Rs.2,00,000/- and a Verna car. It has been further pleaded that all the expenses of the birth of petitioner no.2 were borne by father of petitioner no.1 and the respondent and his family members did not pay even a single penny in this regard. The petitioners filed a criminal complaint under Sections 498-A and 406 IPC in the Women Cell for subjecting herself for illegal demand of dowry articles including car and cash. The petitioner no.1 is stated to have studied upto 12th standard and has no source of income and therefore, she is fully dependent upon her father, whereas, on the other hand, the respondent-husband is having shop of utensils and he is also getting rental income from one shop and is earning about Rs.1,50,000/- to Rs.2,00,000/- per month. Thus, the petitioners prayed for grant of maintenance @ Rs.30,000/- per month.

The respondent-husband filed written statement, wherein, though he admitted the relationship of husband and wife between the parties but denied the allegations levelled against him as well as the claim regarding his income, as projected. It was submitted that the petitioner no.1 is a graduate from S.D. College, Ambala Cantonment and is doing tuition work along with her *bhabhi* Shivani and is earning about Rs.20,000/- per month. It was further submitted that the respondent is a utensils hawker and is earning Rs.6,000/- to Rs.7,000/- per month.

After hearing learned counsel for the parties, the trial

Court vide judgment dated 10.2.2014, while awarding maintenance to the petitioners observed as under:-

“17. As far as quantum of maintenance is concerned, the petitioner No.2 has alleged the income of the respondent as Rs.1,50,000/- to Rs.2,00,000/- per month from shop of utensils and business of cooler accessories and income from rent, the respondent in his written statement has given that he is doing the work of utensils hawker but he did not prefer to mention his income. The photographs placed on record by the petitioners show that a shop of utensils is being run in the name and style of Vaneet Bartan Store. Respondent has admitted while appearing in the witness box as RW1 that he is doing the work of bartan pheri and in view of this, the indulgence of the respondent in the business of utensils selling cannot be disputed. However, mere production of photographs by the petitioners does not show the income of the respondent as alleged by the petitioners in absence of any documentary proof in the shape of income tax returns etc. In this view of the matter, income of the respondent cannot be held less than Rs.12,000/- per month. Accordingly, taking into account the income of the respondent coupled with the need of the petitioners, he is directed to pay a sum of Rs.4,000/- per month to the petitioners i.e. Rs.1,500/- per month to the petitioner No.1 i.e. minor child and Rs.2,500/- per month to the petitioner No.2 from the date of this order and I order accordingly.”

In the present petition, notice was issued for 13.10.2014

and thereafter, the case has been listed on various dates including on 9.1.2015, 20.4.2015, 9.7.2015 but no one has put in appearance on behalf of the parties, despite service.

Today, though Mr. Vivek Aggarwal, Advocate has put in appearance on behalf of the petitioners but he says that he has no instructions in the matter.

I have perused the paper-book and find that the petitioners have failed to establish the income of the respondent, as projected in the application under Section 125 CrPC before learned Family Court. Therefore, learned Family Court in its wisdom has rightly assessed the income of the respondent-husband at Rs.12,000/- per month and accordingly, awarded maintenance to the petitioners @ Rs.4,000/- per month i.e. Rs.2500/- per month to petitioner no.1 and Rs.1500/- to petitioner no.2, which seems to be reasonable in the light of status of the parties.

Keeping in view the facts that this case is pending since long and there is no representation on behalf of the respondent and learned counsel for the petitioners also pleads no instructions in the matter, this Court find no ground to interfere in the impugned judgment passed by learned family Court and the present revision petition is dismissed in view of the observations made in earlier paragraph.

October 13, 2015

AK

**(HARI PAL VERMA)
JUDGE**