

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

**CRR (F) No. 57 of 2015 (O&M)
Date of decision: April 06, 2015**

Usha Devi

.... Petitioner

Versus

Vinod Kumar @ Sonu

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashok Kaushik, Advocate
 for the petitioner.

Jaspal Singh, J

Challenged in this revision petition is to order dated February 07, 2015 passed by learned District Judge, Family Court, Faridabad whereby while disposing of an application for grant of interim maintenance moved under Section 125 Cr.P.C, petitioner was granted interim maintenance @ ₹2500 per month from the date of filing of the application till disposal of main petition.

2. Petitioner has sought enhancement of amount of interim maintenance alleging the same to be on a lower side and further that it is difficult for her to maintain herself.

3. Contention of learned counsel for the petitioner is that petitioner is legally wedded wife of respondent. Since she has no independent source of income to maintain herself, she is fully dependent

upon her father. Whereas, respondent is running a shop and deals in manufacturing and sale of steel furniture and his monthly income is not less than ₹50,000/- per month. In support of her averments, she has furnished sworn affidavit. But learned trial Court awarded a paltry amount of ₹2500 per month from the date of filing of the application till disposal of main petition.

4. Undoubtedly, allegations and counter-allegations are not to be taken into consideration at the time of disposal of an application for grant of interim maintenance and only the documents showing income of parties, if brought on record by them are to be taken into consideration. But in the case in hand, to the utter surprise, not a single document has been placed on record showing the factum of manufacturing and running a shop or workshop of steel furniture. Moreover, the said shop if any is being run by the father of respondent and he might be working with him. In the absence of any of documentary evidence, which could have been easily collected and produced on record by the petitioner, it cannot be said that respondent is earning a sum of ₹50,000/- per month. Learned District Judge has rightly disposed of the application for grant of interim maintenance considering the averments and treating respondent to be a casual labourer.

5. There is no infirmity or illegality in the impugned order, which may require any interference of this Court.

6. Dismissed.

April 06, 2015

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**(JASPAL SINGH)
JUDGE**