

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

FAO-6911-2015(O&M)

Date of decision : 08.10.2015

Sadhu Singh

... Appellant

Versus

Manjit Kaur @ Bibo

... Respondent

***CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL***

Present: Mr.N.S.Sodhi, Advocate
for the appellant.

REKHA MITTAL, J.(ORAL)

The appellant challenges order dated 22.07.2015, passed by the District Judge, Family Court, Moga whereby the suit filed by the respondent for enhancing maintenance has been partly allowed and the appellant has been directed to pay maintenance to the respondent (wife) @ ₹3000/- p.m. from the date of filing of the suit i.e. 17.02.2009.

Counsel for the appellant submits that the appellant is an old man of 70 years and is dependent for his livelihood on his brother. The court below has without justification enhanced maintenance from ₹700/- p.m. being paid from the year 2001 to ₹3000/-.

We have heard counsel for the appellant, perused the impugned order and find no merit in the appeal.

The appellant challenges the award of a paltry amount ₹3000/- p.m. as maintenance, an amount that may not even be sufficient for bare

necessities of an old woman.

The respondent(wife) filed a suit for maintenance in the year 1998. Vide judgment and decree dated 23.11.2001 she was allowed maintenance @ ₹700/- p.m. from the date of filing of the suit. After expiry of a decade, the respondent filed a fresh suit seeking enhanced maintenance alleging therein rising prices of daily necessities of life and increase in her expenditure on medicines etc. The appellant does not deny that the respondent (wife) has no source of income and is dependent upon maintenance paid by the appellant. The appellant owns 6 acres of land as admitted by the appellant in cross examination and Bikkar Singh, one of the witnesses examined by the appellant. Counsel for the appellant is unable to rebut this admission. Keeping in view the ever increasing prices of daily necessities, the medical needs of the respondent, in her old age, we do not find any merit in the appeal and dismiss the same in limine. No order as to costs.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

October 08, 2015.

Davinder Kumar