

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-18225 of 2016

Date of decision : 19.08.2016

Swarna Rani

... Petitioner

versus

Sukhdev Raj

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.S. Jammu, Advocate
for the petitioner

ANITA CHAUDHRY, J.(ORAL)

This petition is directed against the order dated 08.01.016 passed by the Addl. Sessions Judge, Sirsa vide which the revision filed by the petitioner was dismissed.

Swarna Rani - petitioner was allowed maintenance @ Rs. 500/- per month by the Judicial Magistrate Ist Class Sirsa on 10.03.1999. She filed a petition seeking enhancement under section 127 Cr.P.C. Swarna Rani was married to Sukhdev Raj in 1981. They had two children. One of them had died. The parties parted ways and petition under Section 13-B of the Hindu Marriage Act was filed. The marriage was dissolved on 01.02.1988. The trial Court examined the merits of the petition and enhanced the maintenance to Rs. 2000/- per month from the date of filing of the petition under Section 127 Cr.P.C.

Both the parties were aggrieved with the order. Swarna Rani approached the Revisional Court seeking enhancement while Sukhdev Raj approached the Court for setting aside the order. The Revisional Court noted that the at the time of dissolution of the marriage there were certain undertakings given by the husband and he had also deposited Rs. 50,000/- in the name of Surjit Rani. It was also noted that the respondent had contacted second marriage and had children from the second marriage. It also noted that the respondent was old and was

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suffering from Asthma. Both the revision petitions were dismissed.

On the last date of hearing, the petitioner was asked to place on record copy of the order passed in a petition filed under Section 13-B of the Hindu Marriage Act. It has been filed.

I have heard the learned counsel for the petitioner and have gone through the judgments of both the Courts below and I find no infirmity in the orders. The respondent is over 60 years of age. He had married again and has two children. The trial Court had enhanced the maintenance to Rs. 2000/- per month considering the liabilities and income of the husband. It had noted that the petitioner was receiving Rs. 750/- per month as old age pension from the Government. The petitioner had been unable to lead evidence regarding the income of the respondent. There is no infirmity in the findings recorded by the Courts below.

The petition is dismissed.

August 19, 2016

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**(ANITA CHAUDHRY)
JUDGE**

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No