

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

**Crl. Misc. No.M-18125 of 2015 (O&M)
Date of decision : 09.08.2016**

Jyoti Sharma and others

.....Petitioner(s)

Versus

Ramesh Kumar

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Gobind Dhanda, Advocate
for the petitioners.

Mr. Bhag Singh, Advocate
for the respondent.

ANITA CHAUDHRY, J.

This petition has been filed under Section 482 Cr.P.C. seeking enhancement of the interim maintenance allowed to the petitioners.

It would be apposite to mention few facts. A complaint under the Domestic Violence Act was filed by Jyoti and on behalf of her five year old son, in November, 2012. During the pendency of the same, the Court noted that another child had been born. The wife claimed maintenance for herself and her two children and produced the salary certificate of her husband to show that the gross salary which was Rs.34,462/- per month. The trial Court noted that the salary in hand was Rs.24,432/- per month and it allowed Rs.8,000/- per month as interim maintenance. The amount was allowed from the date of filing of the petition.

Aggrieved by the order an appeal was preferred and the Additional Sessions Judge, Panchkula noted in its order that the husband and his family had to move out of the house and the petitioner and the children were occupying the house owned by the husband's family and were forced to take up a separate residence and were paying Rs.6,000/- per month as rent and noticing the salary and the other circumstances, dismissed the appeal.

I have heard both the sides at great length and I find no infirmity in the findings. It is the husband and his parents who had to move out of their own house and have taken a house on rent. It had also been stated that the husband was paying the electricity charges for both the houses. A query was posed to the petitioners in this regard and he had stated that he had no instructions with respect to that.

I see no reason to interfere in the order passed by the Court below. It is an interim arrangement and it is expected that the petitioner would complete its evidence at the earliest. The case is being adjourned for over a year for the evidence of the petitioner. The petition is dismissed.

Nothing contained herein shall be taken as an expression of the opinion on the merits of the case. The case will be decided strictly on merits without being influenced by any observations made here.

09.08.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No