

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-29508 of 2016

Date of Decision: 13.12.2016

Bhawana Rani and another

.....Petitioners

Versus

Gurdeep Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Mayur Kanwar, Advocate
for the petitioners.

ANITA CHAUDHRY, J(ORAL)

The petitioners are assailing the order dated 2.6.2016 passed by the Additional Sessions Judge. They are seeking enhancement of the interim maintenance.

A petition seeking maintenance was filed by the petitioners. The trial Court at the interim stage allowed Rs. 8,000/- per month as maintenance to the wife and Rs. 5,000/- as maintenance to the child from the date of filing of the application. Aggrieved by that order both the parties filed revisions which were disposed of on 2.6.2016. The Revisional Court noted that the gross salary of the respondent was Rs. 52,596/- and the carry home salary was Rs. 37,400/- and enhanced the maintenance from Rs. 8,000/- per month to Rs. 10,000/- per month for the wife and from Rs. 5,000/- per month to Rs. 6,000/- per month for petitioner No. 2 from the date of filing of the application besides allowing litigation expenses.

Still not satisfied, this petition has been filed under Section 482

Cr.P.C. and reliance has been placed on ***Vijay Kumar versus State of Punjab and others 2013(3) R.C.R (Criminal) 286***. The counsel urges that the Court should have allowed 50% of the gross salary after deducting the income tax and they were entitled to higher amount of maintenance.

The facts in the case referred were entirely different. The Director General of Police (the employer) had passed an order for deduction and 50% of the salary of the employee to be paid to the wife and two school going children. The said order was challenged in a petition filed under Article 226 of the Constitution of India and considering the fact the order was passed for calculating and arriving at the figure of 50%.

The file had been summoned. On perusal, I find that the petitioners have not led any evidence yet though it is fixed for evidence since February 2016. Similar was the position in March 2016 and April 2016. The petitioners are delaying the adjudication of the case on merits.

The trial Court as well as the Revisional Court had considered the salary statement and has allowed interim maintenance. The submission of the petitioner is that the amount being deducted is on the higher side.

The marriage was solemnized in December 2012. A child was born in December 2014. The child is just two years old and has not started going to school. The petitioner is yet to lead evidence to show her expenses and the amount being spent on the child. The respondent had taken a plea that false facts had been projected and the petitioner had gone on her own and wanted to live with her parents. The trial Court is yet to determine whether the petitioner had left the matrimonial home for a sufficient cause.

I find no reason to interfere with the order. Records be immediately sent back with the direction to the Court below to direct the

petitioners to lead their evidence and complete it within the period it deems fit.

This petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

December 13, 2016
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No