

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

CRM No.M-29562 of 2016 (O&M)

Date of Decision: August 26, 2016

Parveen

...Petitioner

VERSUS

Sunita and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.T.C.Dhanwal, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner Parveen has filed this petition under Section 482 Cr.P.C. against respondents Sunita and Jagriti minor, for setting aside/modifying the impugned judgment and order dated 04.06.2016 passed by the Court of learned Sessions Judge, Yamuna Nagar at Jagadhri as the amount granted to the respondents is on higher side.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that Sunita wife and Jagriti minor daughter of Parveen filed a petition under Section 125 Cr.P.C. Learned JMIC, Yamuna Nagar at Jagadhri, vide order dated 01.04.2016, granted interim maintenance to the tune of ₹2500/- to applicant No.1 Sunita and ₹1500/- to applicant No.2 Jagriti. The perusal of the order shows that

respondent (present petitioner) is working as Technical Assistant in B.I.S.

(Delhi). The Court considered his income, after making the deductions, as ₹12,000/- per month and granted the above-stated interim maintenance.

A revision was filed by the present respondents before Sessions Court and learned Sessions Judge, Yamuna Nagar at Jagadhri vide impugned order dated 04.06.2016, took the gross salary of the petitioner as ₹42,522/- and after considering the deductions etc., took net salary as ₹35,000/- and then, interim maintenance was enhanced as ₹6500/- for wife and ₹5000/- to the minor daughter.

The approach of learned Sessions Judge while granting the interim maintenance is correct. The Court held that deductions of ₹20,000/- are for the benefit of the respondent (present petitioner) himself. These are not the statutory deductions. The Court after deducting the contribution towards New Pension Scheme, income tax, education cess and CGHS, came to right conclusion that net salary is ₹35,255/-. The Court also disbelieved the version of the present petitioner that he has responsibility to look after grandmother, unmarried sister and old mother. The Court held that deduction shown towards the payment of the motorcycle loan etc. has not nexus.

The order passed by learned Sessions Judge, Yamuna Nagar at Jagadhri, has been passed as per law and it nowhere shows that any illegality has been committed by the Court below. Nothing is there to show that the impugned order dated 04.06.2016, in any way, is against the provisions of law or perverse. In no way, the passing of impugned order, amounts to miscarriage of justice.

In view of the above discussion, I find that the order dated

is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

August 26, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No