

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

**Criminal Revision No.2057 of 2011 (O&M)
Date of decision: 23.04.2016**

Yogita and another

..Petitioners

Versus

Ketan Tewatia

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Gobind Korla, Advocate for
Mr. Sandeep Vermani, Advocate
for the petitioner.

Mr. Yogesh Goel, Advocate
for the respondent.

Daya Chaudhary, J.

CRM-32578 of 2013

This application is for placing on record Annexures R-1 to R-8.

Application is allowed and Annexures R-1 to R-8 are taken on record.

CRR No.2057 of 2011

Petitioners, namely, Yogita and Baby Sukriti @ Pari (minor), have filed the present revision petition for modification of order passed in a petition filed under Section 125 Cr.P.C., whereby, respondent was ordered to pay an amount of ₹3000/- per month to

petitioner No.1 and ₹2000/- per month to petitioner No.2.

Briefly, the facts of the case are that marriage of petitioner No.1 was solemnized with respondent on 11.05.2006. They were also blessed with a female child on 11.08.2007. Petitioner No.1-wife was not happy with the conduct and behaviour of respondent-husband as he and his family members were demanding cash and articles as dowry. Similar demand was made at the time of birth of child also. She was also harassed for giving birth to a girl child. Thereafter, the petitioners were abandoned by the respondent and she was compelled to leave the matrimonial house. Both the petitioners started to reside with the parents of petitioner No.1. An application under Section 125 Cr.P.C. was filed by the petitioners for grant of maintenance and respondent was ordered to pay an amount of ₹3000/- per month to petitioner No.1 and ₹2000/- per month to petitioner No.2 from the date of passing of order.

The present revision petition has been filed by the petitioners on the ground that the amount of maintenance is not adequate keeping in view the income of the respondent-husband as he is income tax payee and is contractor by profession earning handsome amount.

Learned counsel for the petitioners submits that petitioner No.1 is house wife and is not in a position to maintain herself and her daughter (petitioner No.2). Both of them are at the mercy of the parents of petitioner No.1. They have no independent source of income. Hence, the amount awarded by the trial Court is not sufficient

to maintain both the petitioners. Learned counsel also submits that the trial Court has not taken into consideration the income of the respondent-husband and simply by relying on the statement of respondent, his income has been considered as ₹15,000/- per month whereas the annual income of the respondent was concealed by him. Neither any income tax return nor any other document was produced before the Court to show his income and as such, the order for grant of the maintenance deserves to be modified.

Learned counsel for the respondent submits that the respondent is also having other liabilities and petitioner No.1 is also earning hand. The amount of maintenance, which has already been awarded, is reasonable and no interference is required.

One bank draft bearing No.42355 dated 20.04.2016 amounting to ₹30,000/- has been handed over to counsel for the petitioners by the respondent today in Court and the same has further been handed over to petitioner No.1, who is present in the Court. A photocopy of the bank draft has also been placed on record.

Heard arguments of learned counsel for the parties and have also perused the order of awarding maintenance to the petitioners.

As per averment made by the petitioners, the respondent is contractor by profession and is also income tax payee. He is also maintaining two cars. Petitioner No.1 has placed on record the admission slip issued by the School at Gurgaon, which shows the expenses to be incurred on the study/admission of petitioner No.2. An

amount of ₹56,280/- has been shown to be deposited towards admission fee on 27.09.2010 and another amount of ₹10,000/- was deposited as caution money with the school authorities. Nothing has come on record as to whether petitioner No.1 is earning any amount. Even the respondent has admitted in his cross-examination that he is a contractor and having a car bearing registration No. HR-26-AH-0046 make Hundai Tuscon.

Although the averment made by petitioner No.1 that the respondent-husband is earning more than ₹1 lac has been denied but it has not been denied that he is not working as contractor. It has also not been disputed that petitioner No.2 is a school going child and expenses of study and other necessities are to be borne by petitioner No.1-mother.

Keeping in view the facts and circumstances of the case as mentioned above, the amount awarded to the petitioners is on lower side and the same deserves to be enhanced. Accordingly, the present revision petition is allowed and the amount of maintenance awarded to petitioner No.1 is enhanced from ₹3000/- to ₹4500/- per month and to petitioner No.2 from ₹2000/- to ₹3500/- per month. The amount of maintenance is ordered to be granted from the date of filing of the application instead of passing of the order.

23.04.2016
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(DAYA CHAUDHARY)
JUDGE