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

CRR NO. 2081 of 2011

Date of Decision: 11.04.2016

GEETA DEVI AND OTHERS

... Petitioners

VS.

SHATRUGHAN KHUSHWAHA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Rakesh Dhiman, Advocate,
for the petitioners.

None for the respondent.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

KULDIP SINGH, J (ORAL)

Impugned in the present revision is the order dated 07.04.2011 passed by the learned District Judge Family Court, Gurgaon vide which in the petition under Section 125 Cr. P.C. filed by the wife and her two children, the learned trial Court has fixed the maintenance @ Rs. 5,000/- per month for the wife and that of @ Rs. 1,000/- per month each to the two children, total of which comes to Rs. 7,000/- per month, from the date of filing of the petition under Section 125 Cr. P.C.

I have heard learned counsel for the petitioner.

At the time of arguments, none has appeared for the respondent, therefore, the case of the respondent has been considered.

The lower Court record has been examined.

The salary certificate issued by the Hero Motocorp Ltd. reveals that the respondent is working as Quality Inspector in the said firm and in April 2010, he was getting gross salary of Rs. 33,065/- from which the total deduction was shown as Rs. 20,786/-. In December 2010, the total income was shown as 35,028/- and the total deduction were shown as 35,275/-. It appears that the respondent is manipulating the deductions to show his negative income. He is a Quality Inspector in Hero Motocorp Ltd. and must be maintaining himself. Learned counsel for the petitioner submits that only compulsory deductions i.e. contribution towards EPF, LIC, staff welfare fund, and family welfare fund etc. are to be taken into consideration. However, the respondent has shown as many as 5 loans for which huge installments are being paid by him and these loan installments are considered to be taken as his income.

I am of the view that the income of the respondent in the year 2016 cannot be less than 25,000/- per month. Learned counsel has also supplied the latest salary certificate of July 2014 which shows the gross salary of the respondent in July 2014 was Rs. 51,642/- out of which he has shown a deduction of Rs. 26,876/- and his net pay shown as Rs. 27,466/-. Here also the said repayment of loan is a part of major deduction.

It being so, I am of the view that the lower Court has erred in holding that the income of the respondent is Rs. 16,000/-

per month. The income of the respondent is taken to be Rs. 25,000/- per month as in 2010 and in 2014 it was not less than 30,000/-.

Keeping in view the entirety of the facts and circumstances and after considering the needs of the wife and children and the level of the prices of the essential commodities, the maintenance awarded to the wife is enhanced from Rs. 7, 000/- to Rs. 8,000/- per month and for the two children it is enhanced from Rs. 1,000/- to Rs. 3,500/- each, total of which comes to Rs. 15,000/- per month from the date of application till today.

In view of the increased income of the respondent, the carry home salary of the respondent is taken to be Rs. 35,000/- from the date of the present order, therefore, after considering the enhanced needs of the wife and children and the level of the higher needs of the children, the wife will now be entitled to the maintenance @ Rs. 10,000/- per month and the children will get Rs. 5,000/- per month each from the date of the present order, total of which comes out to Rs. 20,000/- per month.

Criminal Revision is allowed accordingly.

[KULDIP SINGH]
JUDGE

April 11, 2016
Suresh Kumar