

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-43613 of 2015

Date of Decision:05.09.2016

Harpal Singh

.....Petitioner

Versus

Bant Kaur

.....Respondents

CORAM: HON'BLE MS.JUSTICE RITU BAHRI.

Present: Mr.S.C.Chhabra, Advocate,
for the petitioner.

None for the respondent.

RITU BAHRI, J.(Oral)

The petitioner has come in the present petition against the order dated 22.10.2013 (Annexure P-4) passed by learned Additional Chief Judicial Magistrate, Mansa, and the order dated 22.05.2014 (Annexure P-5) passed by the Additional Sessions Judge, Mansa, whereby his revision petition against the order (Annexure P-4) has been dismissed.

After issuance of notice, the respondent was duly served but she has not chosen to put in appearance even before the Mediator and as such, the case has been sent back to this Court for taking decision on merits. A perusal of the order (Annexure P-4) shows that the respondent is mother of the petitioner and she has two sons, namely, Harpal Singh (petitioner) & younger son Sukhpal Singh and a daughter, namely, Satpal Kaur. In the application under Section 125 Cr.P.C., younger son Sukhpal Singh has not been impleaded as a party to the *lis*. The respondent was not having any earning capacity and in this regard she has been awarded @ ₹3,000/- per

month as interim maintenance. The revisional Court has upheld the order (Annexure P-4) passed by the Additional Chief Judicial Magistrate, Mansa, vide order dated 22.05.2014 (Annexure P-5).

In the application (Annexure P-2) made by the respondent, she has stated that the present petitioner is owner of one kothi and is earning ₹50,000/- per annum. Keeping in view the income of the petitioner, she was seeking interim maintenance @ ₹5,000/- per month.

Taking into account the fact that the income of the petitioner is ₹50,000/- per year i.e. nearly ₹4,000/- per month and interim maintenance awarded to the respondent @ ₹3,000/-, is on higher side, the same is modified @ ₹2,000/- per month.

Accordingly, the present petition is partly allowed.

September 05, 2016
seema

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No