

221
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 762 of 2013 (O/M)
Date of decision : 9.5.2016

Monika Gupta and another Petitioners

Versus

Manoj Kumar Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Petitioner in person with Mr. Palvinder Singh, Advocate.

Mr. Y.P. Singla, Advocate, for respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

:-

:-

KULDIP SINGH J. (ORAL)

The present revision has been filed against the order dated 12.9.2012, passed by the learned District Judge, Family Court, Ambala, vide which, while disposing of the petition filed by wife Monika Gupta and daughter Isha under Section 125 Cr.P.C., the respondent was ordered to pay Rs. 3,000/- each to petitioner No. 1 and petitioner No. 2 from the date of filing of the petition (total Rs. 6,000/- per month). The petitioners-applicants claim that the maintenance granted by the lower Court is inadequate.

I have heard the petitioner No. 1, learned counsels for the respective parties and have also carefully gone through the file.

CRR No. 762 of 2013 (O/M)

-2-

It is stated that respondent is running a sweet shop in the name and style of M/s Sai Sweets in the Main Bazar, Dera Bassi, and earn Rs. 70,000/- to Rs. 75,000/- per month, as disclosed to petitioner No. 1 at the time of marriage. Though, the same income is not reflected in the income-tax returns.

The learned counsel for respondent has contended that during the trial before the lower Court, applicant No. 1 (wife) had admitted that she worked upto June, 2015 with M/s Arihant Industries, where she was getting the salary of Rs. 4,000/- per month. However, in the certificate (Ex.R2), the salary is mentioned to be Rs. 10,500/- per month. Thereafter, she has alleged to have not worked anywhere. It also comes out that baby Isha (petitioner No. 2) is now stated to be 12 years of age and studying in 7th standard. The application was filed before the lower Court in the year 2006 and was decided in the year 2012. Now, about 10 years have passed when the application was filed. This Court is to consider the income of the respondent during this enhanced period also, in order to arrive at the truth, for maintenance, to be granted from the date of the present order. Admittedly, at present petitioner No. 1 is not working anywhere. Petitioner No. 2, who was aged only 2 years at the time of filing the application, has now grown up and is 12 years of age. Therefore, keeping in view the escalation of prices, the needs of the petitioners and expenses for education of petitioner

CRR No. 762 of 2013 (O/M)

No. 2 and her needs for clothing etc., the maintenance awarded by the Family Court to petitioners No. 1 and 2 is enhanced from Rs. 3,000/- per month each to Rs. 5,000/- per month each, total Rs. 10,000/- per month from the date of present order.

Consequently, the present revision is allowed.

(KULDIP SINGH)
JUDGE

9.5.2016
sjks