

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRR(F)-171-2013 (O&M)  
Date of Decision:- 21.11.2016

**Sonika Sharma**

**....Petitioner**

**Versus**

**Deepak Gaur**

**....Respondent**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

**Present: Mr. Amit Khatkar, Advocate,  
for the petitioner.**

**Mr. Sanjay Vashisth, Advocate  
for the respondent.**

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**RITU BAHRI, J. (Oral)**

Petitioner has filed the present revision petition against order dated 08.08.2013, passed by District Judge (Family Court), Bhiwani whereby she has been awarded maintenance of ₹6,000/- per month in a petition filed under Section 125 of the Code of Criminal Procedure.

As per petitioner (wife), she was married to the respondent on 29.10.2009 and they were not blessed with any child. On account of demand of dowry, she was harassed by the respondent and was compelled to have gone for abortion. She was not allowed to do a job and the respondent had also refused to maintain her. She had no source of income to maintain herself whereas respondent was getting ₹50,000/- per month as salary being engineer.

On the other hand, the respondent had filed his reply and had taken the stand that in the month of September 2011, when the petitioner was not keeping good health, she was taken to Bhiwani from Delhi for her treatment and then her father and brother took her to their own house and thereafter she refused to join his company despite efforts made by him, forcing him to file a petition for restitution of the conjugal rights. It is further alleged that other than valuable articles and jewellery, the petitioner had also taken a sum of ₹1,70,000/- to her parental house. The respondent was unemployed, whereas the petitioner is BCA, MCA and B.Tech, earning ₹20,000/- per month.

Both the parties had led their respective evidence. The petitioner herself appeared as PW-1, tendering into evidence the documents Mark A, B & C, Form, 26AS, Mark D copy of petition under Section 438 Cr.P.C. and closed the evidence, whereas in order to rebut the averments of the petitioner, respondent examined himself as RW1, his father Bharat Bhushan as RW23, tendering into evidence the documents Ex.RW2/B to Ex.RW2/K and mark R1 to mark R4 and closed the evidence.

The trial Court after going through evidence led by the parties had come to a conclusion that respondent (RW1) was a MBA and as per Ex.RW2/E he was not terminated rather he himself had resigned from the job. No reason had been given by him for resigning the job. He was qualified person and before resigning the job he was earning ₹30,000/- per month as salary from Ushacom Private Ltd. as per his own admission. Consequently, while taking this income, the trial Court has awarded a sum of ₹6,000/- per month as maintenance to the petitioner from the date of

Learned counsel for the respondent has placed on record the judgment dated 18.03.2015 (Annexure R-4), whereby respondents Deepak Gaur and his parents have been acquitted in case FIR No.142 dated 20.04.2012, under Sections 498-A, 406, 506 and 313 IPC and Section 31 of the Protection of Women from Domestic Violence Act, 2005. He has further placed on record the income tax returns (Annexure R-1 (Colly.) for the years 2009-10, 2010-11 and 2011-12 to show the annual income of the respondent and his salary slips (Annexure R-2 (Colly.) for the month of December 2013, January 2014, February 2014, March 2014, April 2014 and May 2014 while working with Transpay Solutions Private Limited. Further, he has placed on record FORM 26AS (Annexure R-3 (Colly.) and salary income certificate (Annexure R-6) for the financial year 2015-2016 to show that his total annual income was ₹3,45,610/- and net payable income was ₹3,26,955/-.

After hearing the learned counsel for the parties, going through the record, it transpires that maintenance of ₹.6,000/- awarded to the petitioner is on the lower side. As per income tax returns (Annexure R-1 (Colly.) after 2013, the gross income of the respondent for the assessment years 2012-13 comes to ₹6,72,619/- and after deductions comes to ₹5,72,619/-. Even as per his salary certificate (Annexure R-6) for the financial year 2015-2016, after deductions his salary comes to ₹3,26,955/-. Moreover, while passing the impugned order dated 08.08.2013, the case of respondent was that he had resigned in the year 2010 and as per salary certificate (Annexure R-6) placed before this Court certifies that the income of the petitioner is around ₹32,000/- per month. Thus, taking income of

petitioner as ₹32,000/- per month, the maintenance of ₹6,000/- is on the lower side and accordingly impugned order dated 08.08.2013 is hereby modified to the extent that the petitioner is entitled payment of maintenance of ₹6,000/- per month from the date of petition till 08.08.2013 and thereafter, she will be paid maintenance of ₹10,000/- per month keeping in view salary slip placed by the respondent.

With the above-said observations, the present revision petition is hereby partly allowed.

November 21, 2016  
naresh.k

( RITU BAHRI )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |