

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 2572 of 2014

Date of decision : 15.01.2016

Harveen Kaur

..... Petitioner

versus

Amardeep Singh and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Navjot Singh, Advocate for the petitioner

Mr. Bikramjit Arora, Advocate for the respondents

ANITA CHAUDHRY, J. (ORAL)

This revision petition has been filed by wife who is seeking enhancement of the interim maintenance allowed by the Court below.

Few facts are essential to understand the factual matrix.

The petitioner was married to Amardeep Singh in October 1994. They have two children. The petition under the Domestic Violence Act was filed in June 2009. A prayer for interim maintenance was made. It was alleged that the husband was running Automobile spare parts factory and was earning Rs. 2 lacs per month. Both the children were residing with the father. They are in the age group of 9 and 12 years. The Judicial Magistrate Ist Class, Patiala allowed Rs. 5000/- per month as interim maintenance and Rs. 2500/- towards rent.

Aggrieved with the order, the petitioner had filed a revision, which was dismissed on 04.07.2014.

I have heard both the sides.

Learned counsel for the petitioner refers to the copy of the revision and the income-tax returns of the husband and urges that the husband had an annual income of over Rs. 8 lacs and the income-tax returns were filed alongwith the petition and those were not considered while awarding maintenance and the wife is entitled to a higher maintenance.

The submissions on the other hand were that the husband had filed a divorce petition as the wife was indulged in adultery and the petition is at the final stages and the son had appeared as witness for the father. It was urged that no evidence was led with respect to the income and at the initial stage the interim maintenance was allowed on the basis of material before the Court and it is the husband who is taking care of the day to day expenses and education of the children and the Court has already ordered Rs. 7500/- per month.

The copy of the petition filed under Section 125 Cr.P.C. was shown during the course of the arguments. The petition does not refer to the income tax returns. The trial Court has allowed Rs. 5,000/- per month as maintenance and Rs. 2500/- per month as an alternative for accommodation. The husband has accused the wife of adultery. It is after the filing of divorce petition that proceedings under Section 125 Cr.P.C. were initiated by the wife. In the absence of any material before the Court below, there is no reason to take a different view. The assessment was made by the Judicial Magistrate at the interim stage. The parties will have to prove the allegations after they have led their evidence.

I find no merit in the petition and is dismissed.

January 15, 2016

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**(ANITA CHAUDHRY)
JUDGE**