

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Revision(F)-130 of 2014
Date of Decision: 10.8.2016**

Kiran Devi

.....Petitioner

Versus

Jagdish

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Deepak Choudhary, Advocate
for the petitioner.

Mr. Shubham Kaushik, Advocate
for the respondent.

ANITA CHAUDHRY, J(ORAL)

This revision has been filed against the order dated 16.4.2014 passed by the Family Court, Hisar. The application filed under Section 127 Cr.P.C. was allowed and maintenance of Rs. 4,000/- per month was awarded to the petitioner. Petitioner is seeking enhancement of the amount.

Counsel for the petitioner contends that the marriage took place in 1995 and there was no issue and a petition under Section 125 Cr.P.C. was filed in which maintenance of Rs. 700/- per month was awarded which was enhanced to Rs. 1,000/- per month by the Additional District Judge. Thereafter a petition under Section 127 Cr.P.C. was filed and the amount was enhanced to Rs. 4,000/- per month. It was urged that considering the rising prices of the essential commodities, the amount awarded is too meagre. The counsel urges that the husband owns 30 acres of land and has sufficient income and she is entitled to the same status.

Counsel for the respondent urges that the marriage was dissolved in 2001 and the husband had re-married and has three children and his family owned some land but his share was only 5 killas and he had filed his affidavit in this regard before the Court below.

Admittedly, no application has been filed for setting aside the divorce decree, it was an ex parte decree which was passed on 5.6.2001. After the divorce the husband has re-married and has children. He has a family of four to support. No material was produced before the Court below to show that the respondent owned 30 acres of agricultural land.

I find no infirmity in the findings recorded by the Court below.

Petition is dismissed.

**(ANITA CHAUDHRY)
JUDGE**

August 10, 2016
Gurpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No