

**CRM No. 27901 of 2016 in/and
CRR(F) No. 125 of 2016**

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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**CRM No. 27901 of 2016 in/and
CRR(F) No. 125 of 2016
Date of decision : September 20, 2016**

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Parmod Kumar

.....Petitioner

Versus

Veena @ Saroj

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Akashdeep Singh, Advocate for the petitioner.

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RITU BAHRI, J.

CRM No. 27901 OF 2016

C.M is allowed.

Annexure P-8 is taken on record subject to all just exceptions.

CRR(F) No. 125 of 2016

The petitioner has come up in the present revision petition against the order dated 27.1.2016 passed by the District Judge, Family Court, Rohtak, whereby, on an application under Section 127 Cr.P.C filed by the respondent for enhancement of maintenance allowance, the maintenance amount was enhanced to ₹ 20,000/- from the date of the application i.e 17.9.2014.

Applicant Veena @ Saroj had filed a petition under Section 125 Cr.P.C for maintenance allowance. At that time, her husband Vinod Kumar who is the present petitioner was earning ₹ 20,000/- per month. As per the order dated 22.7.2010, the then Additional Chief Judicial Magistrate, Rohtak granted her maintenance @ ₹ 3000/- per month besides litigation expenses to the tune of ₹ 3300/-. She filed a revision petition and Sessions Judge, Rohtak as per order dated 23.2.2011 enhanced her maintenance amount from ₹ 3000/- to ₹ 6000/- per month.

Thereafter, she filed an application under Section 127 Cr.P.C for enhancement of maintenance allowance. According to Veena @ Saroj, Parmod Kumar was taking salary of 76,000/- per month. He was also taking tuitions and his monthly income was about ₹2 lacs.

On notice, a reply was filed by Parmod Kumar, where, the relationship between the parties was not disputed. A stand was taken that Parmod Kumar had other responsibilities also. His mother is about 77 years of age who is suffering from physical problems. He has to spend a huge amount on her treatment and medicines. His elder brother Vijay Kumar is also residing with him and due to heart problem, he is not in a position to earn anything. Parmod Kumar is taking salary of ₹42,767/- per month and has also taken a loan facility of ₹1,72,000/- for which he has to pay monthly installment of ₹5765/-. In this manner, he is taking only ₹ 37000/- per month. From his salary he makes a payment of ₹ 12,000/- per month as rent.

In support of her averments, Veena@ Saroj has examined Vineet Kumar UDC who brought the summoned record. As per his record,

the petitioner is an employee of their school whose gross salary is Rs.70,330/- per month. He proved salary statement of the petitioner Ex.P1, copy of service book Ex.P2 and appointment letter Ex.P3. When she had filed a petition under Section 125 Cr.P.C, at that time, the monthly income of Parmod Kumar was Rs.20,000/- per month, hence she was granted maintenance @ Rs.6000 per month, however, now he is earning more than Rs.70,000/- per month from his job. She has placed on record his salary certificate Ex.P1 wherein gross salary for the respondent has been shown to be Rs.70,330/-, however, his carry home salary is Rs.57,090/-. Keeping in view that initially on a salary of Rs.20,000, the maintenance of Rs.6000/- per month had been granted, the maintenance amount of the respondent was enhanced to Rs.20,000/- per month.

In view of all that has been discussed above, and in view of salary certificate (Annexure P-8) as per which the net salary of the petitioner is Rs.61,686, the amount of maintenance has been rightly enhanced to Rs.20,000/- vide judgment dated 21.1.2016 passed by the District Judge, Family Court, Rohtak. This judgment does not require any interference and is hereby dismissed.

September 20, 2016
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**(RITU BAHRI)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No