

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR (F) No.212 of 2016
Date of decision: 08.07.2016**

Harish Kumar Malik

...Petitioners

Versus

Smt. Anu Priya and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashok Tyagi, Advocate,
for the petitioner.

Ritu Bahri, J.

Petitioner has come up in revision against the order dated 28.04.2016 passed by the District Judge, Family Court, Gurgaon, whereby petition filed by applicants-respondent Nos.1 to 3 under Section 127 Cr.P.C. for enhancement of maintenance has been allowed and respondent No.1 -wife has been awarded maintenance of Rs.7000/- per month and respondent Nos.2 and 3 have been awarded Rs.4000/- each per month.

Harish Kumar Malik-petitioner was married to Anu Priya-respondent No.1 on 30.01.1996 and out of this wedlock, two children namely Shubhangi and Sagar-respondent Nos.2 and 3 were born. Due to difference in temperaments, parties are living separately since March, 2006. The petitioner is working as Senior Technical Officer with National Physical Laboratories, Delhi and is getting Rs.44,000/- per month besides rental income of Rs.20,000/- to Rs.25,000/- per month. Vide order dated 06.09.2010, the trial Court had awarded maintenance of Rs.5000/- per

month in favour of respondent-wife and Rs.3000/- per month each in favour of children-respondent Nos.2 and 3. However, on revision, the District Judge, Family Court, Gurgaon, vide impugned order dated 28.04.2016, has enhanced the amount of maintenance in the aforesaid terms. The enhancement has been made keeping in view that the earlier maintenance had been awarded way back on 06.09.2010 and thereafter, income of the petitioner-husband has been increased. Moreover, with the passage of time, expenditure on the minor children has also been increased proportionately. As per document, Ex.PW1/3, gross salary of petitioner-husband in the year 2014 was Rs.63,393/- and the net salary was Rs.35,873/-.

Maintenance has been enhanced by the revisional Court by making reference to the judgments passed in **Smt. Baby Das Mahapatra Vs. Sri Deb Ranjan Das Mahapatra**, 2005 (1) Cal. (LJ) 514 and **Amar Singh Vs. Satya Devi**, 1997 (2) HLR 317, **Sushma Devi Vs. Mangat Ram**, 2013 (2) CivCC 637 and **Nisarg Jayantkumar Gajera and others Vs. Jayantkumar Mevabhal Gajera & others**, 2015 (2) Crimes 729. The revisional Court has also taken into consideration that after exparte divorce, the present petitioner has remarried and has a daughter from the said marriage.

After going through the facts and circumstances of the case, this Court is of the view that the maintenance has rightly been enhanced keeping in view the rise in prices of essential commodities. No ground is made out to interfere in the impugned order.

Dismissed.

08.07.2016

ajp

(RITU BAHRI)
JUDGE