

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

**CRR(F) No. 379 of 2016
Date of decision: 08.11.2016**

Sunita

...Petitioner

Versus

Manoj Kumar

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Suresh Kumar Redhu, Advocate
for the petitioner.

JAISHREE THAKUR, J.

The instant revision petition has been preferred seeking enhancement of the amount awarded under Section 125 of the Code of Criminal Procedure (*for short Cr.P.C.*).

In brief, the facts are that the marriage of the petitioner with the respondent was solemnized on 14.11.2011. Thereafter, it is alleged that the petitioner was thrown out of the house by the respondent and was residing with her parents since 25.11.2011. It is contended that she had no source of income but the respondent was drawing the salary of ₹28,527/- while serving in the Indian Army as a Sepoy. The petitioner preferred a petition under Section 125 Cr.P.C. alleging that on the basis of the recommendations of 7th Pay Commission, the monthly income of the respondent was more than ₹35,000/- and she was entitled for maintenance under the said section. The trial Court, by an interim order dated 12.09.2016, awarded a sum of ₹8,000/- per month to the petitioner being interim maintenance. Aggrieved against the said order, the instant petition has been filed stating that the petitioner is entitled for a maintenance of ₹15,000/- per month since the respondent is drawing salary more than ₹35,000/- per month.

I have heard learned counsel for the petitioner and found that there is no infirmity in the order that has been passed. The trial Court has awarded interim maintenance @ ₹8,000/- per month while taking into

account the fact that the petitioner is already taking maintenance @ ₹8,000/- per month in a petition filed under the Domestic Violence Act as well as ₹3500/- for residence. Taking these factors into account and while noting that Section 125 Cr.P.C. has been enacted to prevent vagrancy and destitution, the trial Court has awarded a sum of ₹8,000/- per month to the petitioner as interim maintenance from the date of filing of the application along with the litigation expenses which were quantified @ ₹5500/-. The respondent herein, who is working as a Sepoy in the Indian Army, as per the salary certificate attached with this petition, has been shown to be earning a total of ₹28,527/- per month and as per orders passed under the Domestic Violence Act and under Section 125 Cr.P.C. the total amount payable to the petitioner comes to ₹19,500/- per month.

Since the amount awarded is towards interim maintenance, it cannot be said that the amount is unreasonable. The true amount payable will only to be determined after the evidence has been laid by both the parties. Hence, this Court is of the opinion that no ground is made out to interfere in the orders passed by the trial Court.

Dismissed accordingly.

November 08, 2016
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No