

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

**CRM No.M-10359 of 2017
Date of decision: 28.03.2017**

Raj Singh

....Petitioner

Versus

Amita and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL J. (Oral)

By invoking Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') the petitioner directs challenge against orders dated 31.08.2016 (Annexure P3) passed by the Executing Court and dated 07.03.2017 (Annexure P4) by the Revisional Court affirming the order dated 31.08.2016 passed by the Judicial Magistrate Ist Class, Panipat.

Counsel for the petitioner has submitted that the respondents filed an application under Section 125 Cr.P.C. for claiming maintenance and the same was allowed on 13.11.2004 and maintenance @ Rs.2,000/- per month was awarded. Later, they filed an application under Section 127 Cr.P.C. for enhancement of maintenance and the same was allowed vide order dated 07.11.2011 and the maintenance was enhanced to Rs.3,000/- per month. The respondents filed a revision petition before the Court of Sessions and the maintenance was enhanced to Rs.5,000/- each per month vide order dated 01.05.2015

(Annexure P2). The respondents filed an application for execution of the order of maintenance claiming maintenance at the enhanced rate of Rs.5,000/- each per month w.e.f. 07.11.2011. It is vehemently argued that as the order (Annexure P2) passed by the Court in revision allowing enhancement of maintenance does not say that the enhanced maintenance shall be available to the respondents with effect from the date of order passed by the trial Court in proceedings under Section 127 Cr.P.C., the respondents, at best, can claim enhanced maintenance @ Rs.5,000/- per month each w.e.f. 11.05.2015.

I have heard counsel for the petitioner and perused the paperbook particularly the various annexures appended with the petition.

Undenyingly, the application under Section 127 Cr.P.C. seeking enhancement of maintenance was filed by the wife and minor daughter of the petitioner on 09.03.2010 and the same was decided by the Judicial Magistrate Ist Class, Panipat on 07.11.2011 and the petitioner (respondent therein) was directed to pay an amount of Rs.3,000/- per month instead of Rs.2,000/- from the date of order. As has been noticed hereinbefore, the Revisional Court enhanced the maintenance @ Rs.5,000/- per month to each of the respondents. The very fact that the Court has allowed enhancement of maintenance while modifying the order passed by the Judicial Magistrate Ist Class, Panipat would imply that the enhanced maintenance would be payable from the date of order passed by the Judicial Magistrate. That being so, I do not find any error much less illegality in the orders passed by the Courts below warranting intervention.

Dismissed.

28.03.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No