

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

**Crl. Misc. No. M-12680 of 2017
Date of Decision : May 18, 2017**

Sat Pal Petitioner

VERSUS

Geeta Rani Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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

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LISA GILL, J. (Oral)

The petitioner is aggrieved by the enhancement of maintenance awarded to the respondent-wife from ₹1500/- to ₹3000/- vide order dated 4.7.2016 (Annexure P3) passed by the learned Additional Chief Judicial Magistrate, Sangrur, as well as the dismissal of the petitioner's revision petition by the learned Sessions Judge, Sangrur vide order dated 21.11.2016 (Annexure P4).

It is not in dispute that on an application filed by the respondent under Section 125 Cr.P.C. a sum of ₹1,000/- per month was directed to be paid as maintenance by the petitioner-husband on 26.7.2008. The said amount was enhanced to ₹1500/- per month on 12.9.2009 on a revision

An application was thereafter moved by the respondent-wife in June 2013 under section 127 Cr.P.C. seeking enhancement of maintenance with the averments that monthly expenses of the respondent be increased due to her age and rising expenses. The petitioner-husband it is averred was running a Karyana shop and also owned agricultural land. This application was allowed on 13.8.2013 while enhancing the amount to ₹3000/-. However, on a revision petition preferred by the petitioner, order dated 13.8.2013 was set aside by the learned Additional Sessions Judge, Sangrur on 19.2.2014. The matter was remanded to the learned trial Court to be tried afresh after affording proper opportunity of hearing to the parties.

The learned Additional Chief Judicial Magistrate on remand of the matter decided the matter after affording ample opportunity of hearing to the parties. Taking into consideration the facts and circumstances of the case the amount of maintenance was enhanced from ₹1500/- to ₹3000/- per month vide order dated 4.7.2016. . Revision petition preferred by the petitioner was dismissed by the learned Sessions Judge, Sangrur on 21.11.2016. Aggrieved therefrom the present petition has been filed.

Learned counsel for the petitioner submits that the petitioner himself is now an old man. Children were admittedly with him. He has to shoulder the responsibility of the children as well as his grand children. Respondent-wife is living with her parents and there is no justification for enhancement of the maintenance granted to her.

I have heard learned counsel for the petitioner and have perused the file with his assistance.

It is specifically concluded by the learned Additional Chief Judicial Magistrate, Sangrur that the petitioner-husband failed to rebut the

contentions of the respondent-wife by leading any evidence in his favour. He himself did not turn up to disprove or deny the assertions of the respondent-wife despite availing numerous opportunities/last opportunity. He did not examine any other witness to support his version. Therefore an adverse inference was drawn. There is nothing on record to indicate that the amount of ₹3000/- per month is excessive in any manner or that the petitioner is in such a condition that he cannot pay the said amount. The fact that the petitioner is sixty years old or that the respondent is living with her parents cannot absolve him of his duty to maintain his wife. Similarly, the contention that the entire land is in the name of his two sons is of no avail to the petitioner. Admittedly, the respondent-wife is also aged. Her needs have also varied and changed according to her age. The amount of ₹3000/- per month in the present circumstances is not excessive.

Accordingly, learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 4.7.2016 which calls for interference by this Court .

Dismissed.

18.5.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No