

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

CRM-M-16887-2016 (O&M)

Date of decision: 7.10.2017

Yashvinderjit Gupta

...Petitioner

Versus

Anjali and another

...Respondents

CRM-M-36222-2014 (O&M)

Anjali

...Petitioner

Versus

Yashvinderjit Gupta

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.ADS Jattana, Advocate
for Yashvinderjit Gupta

Mr.Naresh Kaushik, Advocate
for Anjali Gupta

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JITENDRA CHAUHAN, J.

This judgment shall dispose of both the abovementioned petitions, whereby Anjali-wife has sought enhancement of maintenance amount awarded vide order dated 4.7.2014, passed by learned Additional Sessions Judge, Patiala whereas Yashvinderjit Gupta – husband has assailed the order dated 12.9.2013 vide which, learned Judicial Magistrate, 1st Class allowed interim maintenance to the wife under the

Protection of Women from Domestic Violence Act, 2005 (for short 'Act 2005') and on an appeal, vide judgment dated 15.11.2013, the said order was affirmed; order dated 21.1.2014 passed by learned JMIC, Patiala vide which, the maintenance was enhanced from Rs.5,000/- to Rs.8,000/- under Section 125 Cr.P.C.; order dated 12.8.2015 vide which application for staying the payment of maintenance allowed under the Act 2005 was dismissed by learned JMIC, Patiala; order dated 21.1.2016 vide which appeal filed against the order dated 12.8.2015 was dismissed; and order dated 10.8.2015, whereby learned Additional District Judge, Patiala fixed the maintenance to the tune of Rs.8000/- per month under Section 24 of the Hindu Marriage Act.

Learned counsel for the wife, Anjali submits that the respondent is a Bank employee and has been getting a salary of more than Rs.40,000/- per month, despite that the learned Courts below had granted a sum of Rs.8,000/- per month as maintenance allowance to the petitioner, which is on the lower side. There is no other liability on the husband except the wife. His father is a practising lawyer and having good income.

On the other hand, learned counsel for the husband, Yashvinderjit Gupta, controverts the submissions made on behalf of the wife. He submits that the maintenance allowed to the wife by learned Courts below is on the higher side. She is a teacher with Akal Academy, Sirhind Road, Patiala. He further submits that the wife has also been granted maintenance under Section 12 of the Protection of Women from

Domestic Violence Act, 2005.

I have heard the learned counsel for the parties and perused the case file meticulously.

The marriage between Anjali and Yashvinderjit Gupta is not disputed. No evidence with regard to employment of the wife has come on record. It has come in the evidence that Anjali-wife has got no source of income to maintain herself and has been residing with her parents as her husband/ respondent has thrown her out of the matrimonial home.

As per the salary statement of August, 2015, attached with the reply as Annexure P7, the husband, Yashvinderjit Gupta was getting total salary of Rs.42,997/- per month. Keeping in view the totality of the circumstances and currently soaring prices of the bare necessities of daily life, such as food, medicines, clothes and other unforeseen incidental expenses and earning capacity of the parties, the ends of justice would be served if the maintenance allowance granted to the wife under Section 125 Cr.P.C. is enhanced from Rs.8,000/- per month to Rs.15,000/- per month from the date of order.

However, it is clarified that the wife is entitled to take advantage of either of the two orders of maintenance passed by the different courts. She is at liberty to claim maintenance at one place of her choice.

Accordingly, both the petitions stand disposed of with a direction to the husband, Yashvinderjit Gupta to pay Rs.15,000/- per

month to the wife, Anjali. It is also directed that arrears of maintenance, if any, be cleared by the husband.

A photocopy of the order be placed on the file of the connected case.

7.10.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?	Yes / No
Whether reportable?	Yes / No