

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-1600 of 2017

Date of Decision: 19.1.2017

Anil Kumar

---Petitioner

versus

Rekha Devi

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.Parveen Chauhan , Advocate
for the petitioner**

Rekha Mittal, J.

The present petition directs challenge against order dated 3.6.2016 (Annexure P-2) passed by the Additional Sessions Judge, Karnal whereby the revision petition preferred by the respondent has been partly allowed and the maintenance awarded by the trial court has been enhanced from Rs. 5000/- to 7000/- per month.

Counsel for the petitioner has submitted that the petitioner is working in Haryana Police as a Constable and his monthly salary is Rs. 29,000/-. It is further submitted that a child born out of wedlock of the parties is residing with the petitioner and he is to incur sufficient amount for upkeep and maintenance of the child. It is further submitted that taking into consideration liability of the petitioner to meet requirements of the child besides his personal needs, maintenance awarded by the revisional Court is on higher side and liable to be reduced.

I have heard counsel for the petitioner, perused the paper book

particularly the order Annexure P-2 passed in revision.

Indisputably, the respondent-wife was allowed maintenance at the rate of Rs. 5000/- per month by the Judicial Magistrate Ist class, Asandh vide order dated 25.2.2015. The petition filed by the wife to express her grievance with regard to quantum of maintenance was partly allowed by the revisional court. As per salary certificate Ex. PW2/A, the petitioner's gross salary for the month of November 2014 was Rs. 29,118/- and there must be annual increase in his salary on account of payment of increments. Taking into consideration the prices of daily necessities of life coupled with the factum that the wife is entitled to enjoy the same amenities of life as he would have had she been residing with the husband, maintenance assessed by the revisional Court by no means can be said to be excessive warranting reduction. I would hasten to add that the amount of Rs. 7000/- per month may not be sufficient to meet daily requirements of the respondent what to talk of providing her housing much less comforts and luxuries.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

19.1.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No