

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

CRM-M-18772-2017 (O&M)

Date of decision-24.10.2017

Gagan Sharma

...Petitioner

Vs.

Anuradha Sharma and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Radhe Shyam Sharma, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

CRM-33557-2017

Application is allowed as prayed for.

Documents are taken on record subject to all just exceptions.

CRM-M-18772-2017

The petitioner is impugning the order dated 18.01.2016 passed by learned Judicial Magistrate First Class, Panchkula whereby in a petition under Section 125 of the Code of Criminal Procedure, the petitioner/husband has been directed to pay a sum of ₹10,000/-per month as interim maintenance to the wife which is enhanced to ₹15,000/- by learned Sessions Judge Panchkula vide judgment dated 02.03.2017.

It is contended that the amount awarded by the learned Revisional Court is on the higher side. Apart from maintaining himself, the petitioner is also saddled with the responsibility of old parents. As per the salary slip, the petitioner's gross salary is ₹46,871/- out of which he has to pay ₹4,500/- towards festival loan.

I have heard learned counsel for the petitioner and have gone

through the case file.

In the instant case, Gagan Sharma/petitioner was married to Anuradha Sharma/respondent on 23.11.2010. Respondent No.2 Master Girish (aged 02 years) was born out of this wedlock. Due to physical and mental cruelty allegedly meted out by the petitioner, respondent/wife was forced to leave the matrimonial home and has been residing at her parental home along with respondent No.2. The respondent/wife claimed that the petitioner is employed as an officer in Krishi Gramin Bank in Rajasthan and is earning ₹50,000/- per month.

The salary of the petitioner is not in dispute. In the circumstances, it cannot be said that the amount of ₹15,000/- (₹8,000/- for wife and ₹7,000/- for minor son) per month is on higher side, especially in the present scenario of high rise in the cost of living. No other point is raised. In that view of the matter, the Court below rightly fixed the maintenance in favour of the respondent/wife. There is no illegality or perversity in the impugned order and does not warrant any intervention by this Court. The petition is accordingly dismissed.

24.10.2017

vanita

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No