

**In the High Court of Punjab and Haryana
at Chandigarh**

-.-

CRM M 30586 of 2015

Date of Decision:08.02.2017

Kirna Rani

---Petitioner

versus

Jarnail Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. RVS Chugh, Advocate
for the petitioner

Mr. R K Dhiman, Advocate for
Mr. R K Upadhyay, Advocate
for the respondent

-.-

Rekha Mittal, J. (Oral)

The petitioner-wife has filed the instant petition seeking enhancement of maintenance by way of modification of the orders passed by the Courts below allowing maintenance @ Rs.3,000/- per month.

Counsel for the petitioner has submitted that the trial Court in para 17 of the order has noticed that the respondent-husband admitted in his cross examination that his salary is about Rs.26,000 – Rs.27,000/- per month. It is argued that even after taking into consideration an amount of Rs.43,500.00 received by the petitioner by way of incentive for the period from December 2011 to May 2014 when examined in the light of salary of the respondent-husband, maintenance awarded by the Courts below is liable to be enhanced to bring it commensurate to the salary of the husband.

Counsel for the respondent has supported the impugned orders

with the submissions that the petitioner is an educated woman and as per information received under the Right to Information Act, 2005 from the office of Senior Medical Officer, she received huge amount of Rs.43,500.00. In addition, she might have been receiving some other payments from the said office.

I have heard Counsel for the parties and perused the paper book particularly the orders passed by the trial Court dated 13.10.2014 and dated 10.07.2015 in revision.

A bare reading of paras 16 and 17 of the order passed by the trial Court would make it evident that the petitioner received a sum of Rs.43,500.00 by way of incentive for a period of about 30 months and on an average, she received less than Rs.1,500.00 per month. The respondent-husband had salary to the tune of Rs.26,000 - Rs.27,000/- per month. As per the settled position in law, the wife is entitled to enjoy the same amenities of life as she would have been, had she been residing in the matrimonial home. Taking into consideration prices of daily necessities of life coupled with entitlement of the wife to live in a dignified manner, maintenance assessed by the Courts below is liable to be enhanced.

In view of the above, the petitioner-wife is awarded maintenance @ Rs.9,000.00 per month from the date of filing of the petition and the orders passed by the Courts below are modified accordingly.

Allowed in the aforesaid terms.

(Rekha Mittal)
Judge

08.02.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

