

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43555 of 2016 (O&M)
Date of Decision: 09.03.2017

Amrik Singh

.....Petitioner

Vs.

Jannatpreet Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms.Himani Kapila, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

CRM No.7193 of 2017

Application is allowed.

Documents i.e. affidavit of petitioner and his account statement (Annexure P-3) are taken on record.

Main Case

This petition has been filed under Section 482 Cr.P.C. for quashing of order dated 26.02.2016 passed by learned JMIC Gurdaspur (Annexure P-1) vide which the applications filed by the respondents has wrongly been allowed as well as order dated 07.05.2016 passed by learned Addl.Sessions Judge, Gurdaspur (Annexure P-2) vide which the revision petition filed by the petitioner has wrongly been dismissed.

A perusal of order of revisional authority dated 07.05/2016 shows that vide order dated 04.04.2012 Ex.A-1, the amount of Rs.13,500/- was being deducted by the Army Authorities from the salary of the petitioner which was paid as maintenance to the wife of the petitioner. This order of maintenance in favour of the respondents No.1 to 3 by way of deduction of 33% from the salary of the petitioner was passed in the year 2012 and it is matter of common knowledge that by the year 2016, it must have increased further. Keeping in view the increase in the salary in the year 2016, the maintenance amount has been enhanced from Rs.13,500/ to

Rs.15,000/-.

Learned counsel for the petitioner has not put in appearance in his cross-examination before the trial Court to rebut the order passed by the Army Authority Ex.A-1 to be illegal and unreasonable nor he had produced the salary certificate intentionally so that his actual income may not be assessed.

So in the light of the abovesaid discussion, the orders of the trial Court (Annexure P-1) as well as revisional Court (Annexure P-2) do not reflect any material illegality, irregularity or perversity which warrant any interference. Hence, the present petition is dismissed as such.

(RITU BAHRI)
JUDGE

09.03.2017
anil

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