

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

**CRM No.M-7029 of 2015
Date of decision: 17.02.2017**

Gurmit Kaur

....Petitioner

Versus

Sukhdev Singh and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Bindu Goel, Advocate
for the petitioner.

Mr. Aftab Singh Khara, Advocate
for the respondents.

REKHA MITTAL J.

Gurmit Kaur has invoked Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') for modification of orders dated 25.03.2013 (Annexure P1) passed by the Sub-Divisional Judicial Magistrate, Sultanpur Lodhi and dated 19.09.2014 by the Revisional Court whereby maintenance @ Rs.1,000/- per month was awarded by the trial Court and it was enhanced to Rs.2,000/- per month by the Revisional Court.

Gurmit Kaur has claimed maintenance from her husband and son on the premise that she has no means to maintain herself and the respondents refused and neglected to maintain the petitioner. The learned trial Court directed the respondents to pay maintenance @ Rs.500/- per month each, awarding maintenance to the tune of Rs.1,000/- per month. The Revisional Court enhanced the maintenance by making liability of the respondents double i.e. Rs.1,000/- per month

to be paid by each of the respondents but the same was held payable w.e.f. 25.03.2013, the date of passing of order by the learned trial Court.

Counsel for the petitioner has submitted that taking into consideration sky-rocketing prices of daily necessities of life coupled with needs of the petitioner for medical treatment etc. due to age related problems, maintenance assessed by the Revisional Court is not sufficient to satisfy her needs.

The respondents did not cause appearance despite service and as a consequence, necessary legal assistance was provided by the High Court Legal Services Committee to assist the Court on behalf of the respondents.

Counsel would urge that the Revisional Court, on a detailed consideration of the materials on record, in the light of income of the respondents and responsibility of respondent No.2 to look after his family consisting of his wife and children has rightly allowed maintenance @ Rs.2,000/- per month.

I have heard counsel for the parties and perused the paperbook particularly the orders impugned.

The Revisional Court in para 10 of the judgment has held that respondents being workers/labours of a skilled type workmen as Mason and Plumber can ordinarily be believed to be earning not less than Rs.7,500/- per month each. There is no challenge to the findings of the Revisional Court with regard to the respondents working as Mason

and Plumber. Respondent No.2, son of the petitioner has an obligation to maintain his family namely his wife and children.

Taking into consideration financial status of the family and other relevant facts and circumstances, in the fitness of things, maintenance assessed by the Revisional Court, payable by respondent No.1 – husband of the petitioner is liable to be enhanced. Accordingly, the petitioner shall be entitled to an amount of Rs.2,000/- per month from respondent No.1 and Rs.1,000/- per month from respondent No.2 from the date of order passed by the trial Court i.e. 25.03.2013 as the respondents may not be in a position to pay huge arrears in view of their financial status.

For the foregoing reasons, the petition is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

17.02.2017
yakub

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