

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2550-2016

Date of Decision:- 17.01.2017

Khem Chand @ Ninder

....Petitioner

Versus

Sarla and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Sudhir Aggarwal, Advocate
for the petitioner.**

RITU BAHRI, J. (Oral)

Petitioner has come up in revision against order dated 10.05.2016, passed by learned Sessions Judge, Gurgaon, whereby in appeal filed by the petitioner against the judgment dated 03.10.2015, passed by learned Judicial Magistrate 1st Class, Gurgaon, the maintenance allowance has been reduced from ₹20,000/- to ₹16,000/- from the date of petition instead of from the date of judgment.

As is evident from the record that the petitioner has admitted his income of ₹8,000/- to ₹10000/- per month from the diary business and agricultural income of ₹65,000/- per annum from the land which he has taken on lease. He was also shown to be co-sharer in the other agricultural land as per jambandies (Ex.P12 to Ex.P14). His total agricultural income has been taken ₹1,50,000/- per annum and accordingly monthly income has

been taken as ₹24,000/- per month approx. Consequently, after taking into

consideration the evidence brought on record, the trial Court had granted maintenance of ₹20,000/- per month from the date of judgment. Thereafter, in appeal against the order dated 03.10.2015, filed by the petitioner, learned Sessions Judge, Gurgaon, after taking into account all the evidence, has reduced the maintenance from ₹20,000/- to ₹16,000/- per month from the date of filing of the petition.

Learned counsel for the petitioner has argued that the income assessed by the Courts below is on the higher side and the same is liable to be rejected.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that learned Additional Sessions Judge, Gurgaon, has examined the matter in right perspective, recorded the cogent grounds and correctly passed the impugned order. Such order, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court under Sections 401 Cr.P.C., unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant revision petition is hereby dismissed as such.

January 17, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No