

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-176-2015

Date of Decision:- 20.03.2017

Seema Rani Gulati

....Petitioner

Versus

Jawahar Lal

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Deepak Thapar, Advocate,
for the petitioner.**

**Mr. Karanjit Singh, Advocate
for the respondent.**

RITU BAHRI, J. (Oral)

Petitioner (wife) has come in revision against order dated 11.03.2015, passed by the learned District Judge, Family Court, Ambala, whereby the petition under Section 125 Cr.P.C., filed by her, has been allowed and the respondent (husband) was directed to pay ₹6,000/- per month as maintenance.

Briefly, the facts of the case are that the marriage of the petitioner was solemnized with the respondent in the month of November, 2004, according to the Hindu Rites and Ceremonies. The respondent (husband) had two children from first marriage whereas petitioner (wife) had one son from her previous husband and her minor son had been adopted by the present respondent. Petitioner-wife has filed the petition under

Section 125 Cr.P.C. only for herself.

Perusal of order dated 11.03.2015, passed by the learned District Judge, Family Court, Ambala shows that the respondent had filed a petition under Section 13 of the Hindu Marriage Act at Kurukshetra, which he withdrew on 30.11.2011 as the settlement had been arrived between the parties. Further, the income of the respondent has been assessed between ₹25,000/- to ₹30,000/- taking into account that he is working as Deed-Writer since 1981. In paragraph 14, learned Court, has observed as under: -

“As far as quantum of maintenance is concerned, the petitioner has pleaded that the respondent was earning Rs.50,000/- per month as he was a Licensed Deed Writer, although, she admitted that she had not annexed any proof in the record to show that the respondent was earning Rs.50,000/- per month. However, from the cross-examination of the respondent, it is clear that his licence of Deed-Writer was issued in the year 1981 by the DC, Kurukshetra. Not only this, the respondent was practicing at Pehowa and after that he started his practice in Ismailabad. As per admission of the respondent, his daughter was also an Advocate. From the perusal of Ex.P1, although the respondent sold the house to the petitioner for an amount of Rs.1,39,000/- but the respondent stated that the possession of the house as mentioned in Ex.P1 was with his children and that petitioner Seema was not residing in the said house. The respondent residing with his son in the house in question, the share of which related to his son. Although, he admitted that the shops in question were purchased by his son but stated that his son was a typist. Thus, it can be inferred that either the respondent had given financial assistance to his son for purchasing the shops or he himself had purchased the shops in the name of his son. Although, the respondent stated that said FDRs got encashed by him. Meaning thereby, he was also in possession of Rs.12,00,000/- and must be earning interest income from the same. But despite having sufficient means, the respondent was not paying maintenance amount to the petitioner who is legally wedded wife of the respondent. The respondent admitted that in case under the DV Act, he was sent to Central Jail, Ambala for a period of two months and ten days due to non-payment of maintenance amount to the petitioner.”

Keeping in view the fact that the children of the respondent are independent now, the maintenance of ₹6,000/- awarded to the petitioner is

Judge, Family Court, Ambala, is hereby modified and accordingly amount of maintenance is being enhanced from ₹6000/- to ₹9000/- per month with effect from the date of passing of the present order.

March 20, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No