

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-482 of 2017 (O&M)

Date of decision: 04.12.2017

Balwant Singh

...Petitioner

Versus

Anuradha and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Munish Puri, Advocate
for the petitioner.

Jitendra Chauhan, J. (Oral)

The petitioner/husband has filed the present revision petition under Section 401 of the Code of Criminal Procedure (for short 'Cr.P.C.') against the impugned order dated 30.10.2017 passed by Family Court, Pathankot in an application moved under Section 127 Cr.P.C., enhancing the maintenance awarded to respondent No.1/wife @ ₹1000/- per month and ₹500/- each to respondent Nos. 2 & 3, vide order dated 22.05.2012 to ₹2000/- p.m. to wife and ₹800/- each to respondent Nos. 2 and 3 from the date of application i.e. 21.07.2016.

It is contended that the marriage between the parties was solemnized on 11.03.2001 and the parties lived and cohabited at Pathankot. The petitioner is a taxi driver and has suffered cruelty at the hands of respondent No.1 and ultimately on 16.08.2012, petitioner was ousted from his own house and at present, the respondents have grabbed the house of the petitioner. Respondent No.1 is running a boutique and is capable to earn handsome income. The application under Section 125

Cr.P.C., moved by respondent No.1 stands disposed of on the basis of compromise. The ex parte decree of divorce has already been granted in favour of the petitioner, vide order dated 20.11.2013. Thereafter, the petitioner has solemnized marriage with Bharna Devi and sought protection from this Hon'ble Court, vide CRM-M-4488-2015 (Annexure P-5) and out of second marriage, a female child was born. Since respondent No.1 was cruel towards petitioner and had deserted him rather pressurized him to vacate his own house, therefore, the amount granted by the trial Court is not justifiable.

Heard.

This Court has re-scanned the entire record. The amount of ₹3600/- (₹2000/- p.m. to wife and ₹800/- each to respondent Nos. 2 and 3) as determined by the Family Court is in accordance with the status and financial standing of the petitioner, and cannot be termed to be excessive, perverse or grossly unjust in the given set of circumstances. The petitioner is duty bound to maintain the respondents. The amount so enhanced by Family Court towards maintenance of respondents also cannot be said to excessive, keeping in view the cost of living these days. The cost of living has increased manifolds since 22.05.2012 when the first order was passed. Thus, there is no illegality, infirmity or perversity in the judgment of the Family Court, which is hereby affirmed.

This revision petition is dismissed.

04.12.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No