

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

Crl. Misc. No.M-36554 of 2018 (O&M)

Date of Decision: 07.12.2018

Parvinderjeet Kaur & Anr.

.. Petitioners

Vs.

Gurpratap Singh

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: - Mr. A.S. Khaira, Advocate
for the petitioner.**

ANITA CHAUDHRY, J.

CRM 35270-2018 is allowed and salary certificate, Annexure P-7 of petitioner No.1 is taken on record.

The petitioners are seeking modification of orders dated 18.01.2017 passed by Chief Judicial Magistrate on an application for interim maintenance filed in a petition under Section 125 Cr.P.C. and order dated 20.02.2018 passed in appeal by Additional Sessions Judge, Mohali vide which the order passed by the trial court was modified.

The Chief Judicial Magistrate denied interim maintenance to petitioner No.1-wife and allowed Rs.5000/- to the child-petitioner No.2. In the appeal by the petitioners, the order was modified and interim maintenance awarded to the child was enhanced to Rs.10,000/-.

The grievance of the petitioners is that the respondent-husband is getting salary of more than Rs.80,000/- per month besides having income from agricultural sources, still the Courts below have denied interim maintenance to the wife and the amount awarded to the child is on lower side.

The relationship between the parties was not disputed. As per salary certificate, Annexure P-7, petitioner No.1 is working as Lecturer and getting about Rs.31000/- per month. The salary of the husband, as per Annexure P-5 is Rs 64688/- per month. It has also come on record that besides Rs.10000/- awarded to petitioner No.2 in the proceedings under Section 125 Cr.P.C., petitioners were awarded Rs.10,000/- each per month in a petition under Hindu Marriage Act, out of which the amount awarded to the wife was stayed by this Court in another litigation. No material has been placed on record that the respondent is having agricultural income. The Courts below have only adjudicated the application for interim maintenance. The parties are yet to lead evidence. Petitioner No.1 is earning and was rightly denied interim maintenance. It cannot be said that the amount of Rs. 10000/- per month awarded to petitioner No.2 *pendente lite* is on lower side. There is no illegality or perversity in the impugned order. The petition is without any merit and is accordingly dismissed.

Nothing contained hereinabove shall be taken as an expression of opinion on the merits of the case.

December 07, 2018
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No