

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-42163 of 2018
Date of decision : October 25, 2018

Surinder

....Petitioner

versus

Anita Devi and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Navmohit Singh, Advocate for the petitioner

Fateh Deep Singh, J. (Oral)

Through this petition by husband petitioner Surinder, a challenge has sought to be made by the aid of Section 482 of the Code of Criminal Procedure challenging judgment dated 6.8.2018 Annexure P/1 whereby judgment dated 25.9.2015 Annexure P/2 passed by the court of learned Judicial Magistrate 1st Class, Kaithal allowing Rs 3000/- per month each to minor children Simran, Dhruv and Prince, was allowed and that of the present respondent no. 1 Anita Devi stood declined, was set aside in appeal whereby by virtue of impugned findings the court has dismissed claim for enhancement of their compensation but on the other hand allowed partly the claim

of the wife Anita Devi thus awarding her maintenance to the tune of Rs 6000/- per month from the date of divorce till she remarries. The latter is subject matter of challenge in this petition.

Heard.

As is there in the findings, the learned JMJC has drawn the conclusion that the husband was an employee of UHBVNL department and getting a salary of Rs 28,000/- per month. The court below in the impugned findings has rightly drawn the conclusion that even a divorced wife is entitled to maintenance after a decree of divorce is passed against her and therefore, has rightly set aside the findings of the court of learned JMJC and has correctly modified the same holding that the wife is entitled to maintenance even after divorce. It is well settled preposition of law that wife is entitled to lead life commensurate with the status of her husband and thus keeping in view the rising trend of prices and cost of living present days especially when the children have already been granted maintenance of Rs 3000/- per month each, grant of Rs 6000/- per month as maintenance to the wife certainly to the mind of this Court is reasonable and just amount. Being woman, she certainly has to have living accommodation, food, clothing, medicines and such like unforeseen eventualities of life and thus, apparently counsel for the petitioner could not point out any illegality or perversity in this order

Annexure P/1 and thus, there is no eventuality necessitating intervention by this Court in exercise of inherent powers under Section 482 Cr.P.C. The petition on the face of it is hopelessly without merit and thus stands dismissed in limine.

October 25, 2018
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>