

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

Crl. Misc. M-44168 of 2017 (O&M)  
Date of Decision: March 12, 2018

Suman

...Petitioner

Versus

Deepak Kumar Popli

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Sumit Gupta, Advocate  
for the petitioner.

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**JAISHREE THAKUR, J. (Oral)**

The instant petition has been filed under Section 482 Cr.P.C. for modifying the impugned order dated 14.12.2015, whereby the inadequate interim maintenance of Rs.2500/- per month has been allowed.

In brief, a marriage between the parties was solemnized on 16.01.2013 according to Hindu rites and ceremonies, which relationship could not survive the test of time. Resultantly, an application under Section 125 Cr.P.C. along with application for interim maintenance, came to be filed by the petitioner-wife with the allegations that the respondent-husband and his family members were not satisfied with the dowry articles and they started harassing, humiliating and torturing the petitioner-wife, on account of demand of more dowry. In her application, the petitioner-wife claimed the earning of the respondent-husband more than Rs.50,000/- per month and

prayed that she be allowed monthly maintenance @ Rs.30,000/- per month, along with litigation expenses. In reply, the respondent-husband denied the allegations as levelled by the petitioner-wife and claimed that the petitioner-wife is working as a receptionist at a monthly salary of Rs.10,000/- per month. By the impugned order dated 14.12.2015, the Judicial Magistrate Ist Class, Karnal, allowed the interim maintenance @ Rs.2500/- per month from the date of the application, apart from litigation expenses of Rs.1000/-. The said order was challenged in revision by the petitioner-wife, but the same came to be dismissed by the Additional Sessions Judge, Karnal, on the ground of maintainability.

Learned counsel for the petitioner argues that the respondent-husband is living a luxurious life, whereas the petitioner-wife is living on the mercy of her old aged parents. It is submitted that the respondent-husband and his family is having their own residential house and further having 3 commercial properties within the Municipal Corporation, Taraori. It is argued that the respondent-husband and his family members are running a showroom of shoes in Taraori, but all these facts were not considered, while assessing the amount of interim maintenance.

I have heard learned counsel for the petitioner, apart from going through the record of the case.

This court has gone through the impugned order, wherein the Judicial Magistrate Ist Class, Karnal, has observed that there is nothing on record to show the actual employment/source of income of the respondent-husband. Therefore, considering the minimum wages of an unskilled worker, the monthly income of the respondent-husband was assessed at

Rs.8000/- per month and the petitioner-wife was held entitled to interim maintenance @ Rs.2500/- per month, apart from litigation expenses of Rs.1000/-.

During the pendency of the instant petition before this court, learned counsel for the petitioner was directed to place on record the necessary documents with regard to income of the respondent-husband, however, learned counsel for the petitioner failed to do so. By the impugned order, only the interim maintenance has been awarded to the petitioner-wife, which is subject to variation on final disposal of the application under Section 125 Cr.P.C. Further, evidence is yet to be led by the parties and the petitioner-wife would get an opportunity to lead evidence regarding the income and other sources of the respondent-husband, as alleged by her. Under these circumstances, when there is no proof of income of the respondent-husband, this court does not find anything wrong in the impugned order so passed.

In view of the above, the petition in hand stands dismissed, being devoid of any merits.

**March 12, 2018**

*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No