

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

CRM-M No.48805 of 2018

Date of decision: 1st November, 2018

Lok Nath & others

... Petitioners

Versus

Naval Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ankit Kharbanda, Advocate for the petitioners.

FATEH DEEP SINGH, J.

The brief background that is necessitated before adjudicating upon this petition preferred under Section 482 Cr.P.C. by the petitioners, Lok Nath father, Karan son and Prayanka daughter of respondent Naval Kumar, can be traced from an application under Section 125 of the Cr.P.C. filed by the present petitioners against the respondent. In the said application for maintenance, the Court had granted Rs.2000/- per month to each of the petitioners as maintenance from the date of filing of the application. The same was challenged subsequently by petitioner Lok Nath through another application under Section 127 Cr.P.C. seeking enhancement of maintenance and the Court of learned Judicial Magistrate 1st Class, Amritsar vide order dated 16.08.2016 (Annexure P1) enhanced the amount of maintenance by Rs.1000/- per month for the petitioner. The same was challenged in a revision petition and vide impugned order

dated 07.07.2018 (Annexure P2), the Court of learned Additional Sessions Judge, Amritsar dismissed the same.

Upon hearing Mr. Ankit Kharbanda, Advocate for the petitioner and perusal of the file.

The inter-se relationship and the age of the petitioners is not put to dispute and further the respondent admits that he is working as a pharmacist posted in Civil Hospital and his documentarily proven salary is Rs.41,000/- per month in October, 2015. The initial order of maintenance under Section 125 Cr.P.C. was made on 26.07.2008 and the present application for enhancement has come about on 27.07.2015, after almost seven years. Keeping in view that it is the own case of the respondent/husband that his salary has enhanced manifold during the intervening period together with the fact that both the children are college-going, studying in institutions, as proved on the record and so is the escalated cost of living now-a-days where prices of essential commodities have arisen astronomically and such enhancement of Rs.1000/- per head, to the mind of this Court, cannot be termed to be excessive. It would not be out of place to refer here that even the courts below in (Annexure P1 and P2) have observed that there is every likelihood that the present respondent to thwart the efforts of his disgruntled wife, who is also seeking maintenance prior to the present proceedings separately, had devised such a way and the observations in

the impugned orders at page No.11 and 12 of the paper book, certainly are strong indicators in this regard.

Not only this, the parties appear to have tried to commit fraud with the Court, as though the application under Section 125 Cr.P.C. as well as the one under Section 127 Cr.P.C. were preferred by Lok Nath father alone, but subsequently revision against that order has been sought to be filed by father and the two children of Naval Kumar; are in itself suggestive of the very intent, purpose and collusiveness of these previous proceedings.

Learned counsel for the petitioners could not convince this Court how there has been any apparent illegality or perversity, necessitating intervention by this Court by exercise of inherent powers under Section 482 Cr.P.C. The petition, being hopelessly without any merit, stands dismissed in limine with special costs of Rs.10,000/- to be deposited with the High Court Legal Services Committee.

(FATEH DEEP SINGH)
JUDGE

November 1, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No