

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

CRR(F)-108-2013

Date of decision:-7.8.2018

Neena @ Meena and another

...Petitioners

Versus

Naresh Kumar

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Sunita Nambiar, Advocate for
Mr.Balkar Singh, Advocate
for the petitioners.

Mr.R.K. Saini, Advocate
for the respondent.

H.S. MADAAN, J.

Petitioner No.1 – Neena @ Meena, estranged wife and Ms.Simran, minor daughter of Naresh Kumar – respondent had brought a petition under Section 125 Cr.P.C. against the latter craving for grant of monthly maintenance allowance, which was allowed and maintenance @ Rs.6,000/- per month to the petitioners i.e. Rs.3,000/- per month to each petitioner was awarded.

Being dissatisfied with the said order, the petitioners have filed the present revision petition before this Court seeking enhancement

of the amount awarded to them, notice of which was issued to the respondent, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

The main grouse of the petitioners is that the maintenance amount awarded to them is on the lower side keeping in view the financial condition of the respondent. However, this contention is controverted by learned counsel for the respondent. A look at the impugned order goes to show that after recording the evidence, the trial Court returned the finding that petitioners are unable to maintain themselves and are entitled to get maintenance from the respondent. Coming to the quantum part, the observations made by the trial Court are as under:

As far as the quantum of maintenance is concerned, whereas petitioner has deposed that respondent is earning Rs.32,000/- per month, respondent has deposed that he is earning only Rs.8,000/- per month. Respondent at the first instance admitted Ex.P1 and then amended himself by voluntarily deposing that he is getting only Rs.8,000/- and is also maintaining his old aged parents. However, respondent himself has not brought on record any documentary proof with regard to his income. As per Ex.P1, the salary of the respondent per month is more than Rs.25,000/- per month. Respondent could not rebut the said document by adducing any cogent and convincing evidence. Accordingly, the income of the respondent is assessed more than Rs.25,000/-

per month. Petitioner No.1 has contended that petitioner No.2 is studying and sufficient amount is required for her studies and in support of her contention, she has placed reliance on Ex.P2 to Ex.P4 – fee slips of petitioner No.2. Keeping into account the income of the respondent coupled with the need of the petitioner, he is directed to pay a sum of Rs.6,000/- per month to the petitioners i.e. Rs.3,000/- per month to each petitioner.

The trial Court has considered the fact that the salary of respondent is more than Rs.25,000/- per month and as such taking into view that the petitioner No.2 is studying and sufficient amount is required for her studies, granted Rs.3,000/- per month to each petitioner.

I find that the amount granted is somewhat on the lower side and it deserves to be enhanced.

Therefore, the judgment passed by District Judge, Family Court, Ambala is modified observing that wife Neena @ Meena – petitioner No.1 is entitled to get maintenance @ Rs.5,000/- per month and minor daughter Simran – petitioner No.2 is entitled to get maintenance Rs.4,000/- per month from the date of order passed by the trial Court.

With the above modification, the revision petition is disposed of accordingly.

7.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No