In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision (F) No. 212 of 2014
Date of Decision: 01.5.2018

Seema and another ......Petitioners

Versus

Naveen Dahiya .....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.K.Saini, Advocate
for the petitioner.

None for the respondent.

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ANITA CHAUDHRY, J

This revision is by the wife seeking enhancement of maintenance.

The respondent had put in appearance but subsequently he failed to give instructions to his counsel and the counsel had withdrawn his power of attorney.

The connected petition filed by the husband had been dismissed on 25.4.2017.

The petitioner was married to the respondent in 2005. They have a child, he was four years old when the petition was filed in 2012. It was claimed that the husband was not maintaining them and they had no means to maintain themselves and he had monthly income of over Rs. 50,000/-.

The husband had submitted that the wife did not want to live

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with him and she was living separately without any cause and was giving tuitions to children and had income of Rs. 20,000/- per month. He denied that he was working as an Engineer with Jindal Strips Limited, Hisar.

Both the parties led the evidence.

The salary certificate of the respondent was produced. The trial Court noted that the carry home salary was Rs. 20,892/- per month and allowed Rs. 5,000/- per month to each to the applicants.

Counsel for the petitioners contends that the total salary of the respondent was over Rs. 35,000/- per month but only a sum of Rs. 10,000/- per month has been allowed which was inadequate. The counsel refers to Annexure R-8 and submits that even after deducting Rs. 9367/-, the take home salary of the husband was over Rs. 26,000/- per month and they were entitled to a higher amount.

The basic salary of the husband was Rs. 13,650/- as indicated in Annexure R-8. The salary certificate shows that different allowances had been allowed i.e. house rent, transport, mobile, washing allowance and travel concession which have been added in the total earnings. Besides this the respondent is getting special allowance and incentives of over Rs. 7800/- per month. In the deduction category, different amounts are being deducted towards Provident Fund, Employee Welfare Fund and medical insurance besides income tax. The amount which the respondent gets in hand would be spent on the house rent he pays and the expense on transportation. The amount which ultimately would remain in his hand would not be Rs. 26,000/- but would be much lesser. Since he goes out to work he will incur some expenses on transportation, food etc. The petitioner had led no evidence to show the amount which was being spent on the child

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or the school fee. It is not even clear if the child was going to school. The amount allowed to the child was already on the higher side. There is no scope for enhancement. The amount allowed by the Family Court was adequate.

The revision is dismissed.

(ANITA CHAUDHRY)
JUDGE

May 01, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No

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