

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

**CRR(F)-88-2014**

**Date of decision: 09.01.2018**

Kartik

...Petitioner

Versus

Tushar Kant Chaudhary

...Respondent

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

Present: Mr. Tapan Yadav, Advocate,  
for the petitioner.

Mr. Manish Dadwal, Advocate  
for the respondent.

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**JAISHREE THAKUR, J.**

1. This is a petition that has been filed seeking enhancement of maintenance payable to the petitioner @ ₹ 10,000/- per month, as assessed by learned District Judge, Gurugram vide judgment dated 22.02.2014, exercising the powers of Family Court.

2. In brief, the facts are that a marriage was solemnized between the respondent-Tushar Kant Chaudhary and Priyanka Singh as per Hindu rites and ceremonies on 22.02.2008 and out of this wedlock a minor child was born on 19.10.2011. However, the marriage did not survive the test of time, which resulted in the parties residing separately. A petition under Section 125 Cr.P.C. came to be filed by the respondent-wife and the minor child seeking maintenance. After the evidence was led, the District Judge, Family Court, Gurugram ordered maintenance to be paid to the minor child @ ₹ 10,000/- per month from the date of filing of the petition under Section 125 Cr.P.C. i.e. 25.01.2013 while holding that the wife was earning and

capable of maintaining herself. Aggrieved against the said order, the instant revision petition has been filed.

3. Learned counsel appearing on behalf of the petitioner contends that the amount of maintenance assessed is on the lower side and in fact the respondent herein is earning a sum of ₹ 1,62,113/- per month as would be reflected from his salary slip for the month of October, 2016.

4. Per contra, learned counsel appearing on behalf of the respondent submits that the mother too is in a job and equally responsible as a parent for maintaining the minor child and, therefore, a sum of ₹ 10,000/- as assessed is wholly adequate.

5. I have heard learned counsel for the parties and after going through the pleadings found that the amount of maintenance as assessed by the Family Court is wholly inadequate.

6. It is a well settled principal of law that maintenance is to be awarded after the Court has taken into consideration the status of the parties and the capacity of the person to pay maintenance, as also whether the applicant has any independent income sufficient for his or her support. The Court should, therefore, mould the claim for maintenance determining the quantum based on various factors brought before the Court.

7. Admittedly, the petitioner being a minor of tender age, born in 2011, is incapable of supporting himself. He is wholly dependant upon his parents for his upbringing. The mother has custody of the minor and is looking after his daily needs/ emotional and mental well being too, which is a factor that can not be equated in terms of money. Even though his mother is earning, the minor is entitled to receive maintenance from his father. The

respondent father cannot be permitted to shirk his responsibility in terms of giving financial support towards the welfare and education of the minor-petitioner.

8. As per the current salary slip annexed with the petition, the respondent herein has a basic salary of ₹ 1,05,188/- along with separate allowances i.e. House Rent Allowance, Transport Allowance, Medical reimbursement and special allowances and the gross salary tantamount to ₹ 1,62,113/- per month. The respondent herein is not able to establish any other responsibility which he has to shoulder. The petitioner is a minor child and is entitled to a good education and more than sufficient lodging and boarding, in accordance with the status of his father. Education is most expensive and any good school would charge minimum of ₹ 8,000/- per month, which expense would of course increase over the period of time, as would his needs for tuition and payment for extra curricular activities. Therefore, keeping the current age of the minor child in mind, I deem it appropriate to enhance the maintenance from ₹ 10,000/- to ₹ 20,000/- per month from the date of filing of this petition.

9. However, while disposing of this petition, and recognizing the fact that the needs of the petitioner are only going to increase over the next few years, it is left open to the petitioner to approach again for enhancement.

**09.01.2018**

*Satyawan*

**(JAISHREE THAKUR)  
JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes.  
No.