

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

**CRR(F)-250-2015 (O&M)
Date of Decision: 16.11.2018**

Jagdish Kaur

....Petitioner

Versus

Raghubir Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Abha Rathore, Advocate
for the petitioner(s).

Mr. V.K. Kataria, Advocate
for the respondent.

ANITA CHAUDHRY, J

This revision is directed against the order dated 10.04.2015 passed by the Family Court, Ambala seeking modification of the maintenance allowed to her.

Records have been summoned.

Learned counsel for the petitioner contends that the petitioner is the divorced wife of the respondent and she had filed a petition under Section 125 Cr.P.C. and was allowed Rs.250/- per month as maintenance in 1993 which was subsequently enhanced. Counsel states that in the petition filed in 2013, the Family Court has enhanced the maintenance to Rs.8000/- but considering the income of the husband the maintenance should have been higher.

Reliance was placed upon '**Kalyan Dey Chowdhury Vs. Rita Dey Chowdhury Nee Nandy, 2017(2) Law Herald (SC) 1049.**'

Counsel states that the respondent is intentionally getting higher deductions and has taken loan for a car and is purposely getting a higher deduction and the gross salary has to be taken into account for awarding maintenance.

The submission on behalf of the respondent is that the petitioner has a married son and she is living with him and the amount allowed to the petitioner is sufficient. Counsel urges that the compulsory deductions have to be made on account of PPF and tax.

The salary slip of July, 2014 has been placed on record. According to which, the gross salary was Rs.58,239/-. There are some deductions which are compulsory but I find that Rs.8000/- is being deducted on account of car loan.

Counsel for the respondent has invited my attention to Para-9 of the revision and states that the petitioner was asking for maintenance @ Rs.10,000/- per month.

Counsel for the petitioner states that the salary of the respondent has now raised.

Parties were married in 1985. They had a child who was born in 1986. Litigation started somewhere in 1990. The Family Court took the income of the husband and enhanced the maintenance to Rs.8000/- per month noticing that there was change in the circumstances. After considering the deductions and if the car loan is excluded, the take home salary would be higher than what is shown in the salary certificate of 2014.

Therefore, having regard to the income, I am of the view that the order passed by the Family Court needs to be modified and the maintenance is enhanced to Rs.10,000/- per months instead of Rs.8000/- allowed by the Family Court.

The amount would be payable from the date of the filing of the petition.

Petition is partly allowed.

November 16, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No