

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 4295 of 2017 (O&M)

Date of decision : 6.10.2018

...

Vikas Jaggi

.....Petitioner

vs.

Meenu and another

.....Respondents

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Ranjit Singh Sidhu, Advocate for  
Mr. G.S. Nahel, Advocate for the petitioner.

Mr. Shalender Mohan, Advocate for the respondents.

...

**H. S. Madaan, J.**

This revision petition is directed against the order dated 16.8.2016 passed by Judicial Magistrate Ist Class, Hisar, vide which maintenance @ Rs.8,000/- per month was granted to applicant Meenu payable by her husband Vikas Jaggi.

Briefly stated facts of the case are that on an application under Section 125 Cr.P.C. having been filed by applicant Meenu against her husband Vikas Jaggi, after contest the same was allowed and maintenance allowance @ Rs.8,000/- per month was granted to the applicant from the date of filing of the application. While passing this order, learned Magistrate has taken into consideration salary statement of respondent for the year 2015-2016 Exhibit P-1, fee receipt of applicant No.2, Exhibits P-2 to P-8, his tuition fee receipts

Exhibits P-9 to P-27, besides other documents. It has been observed that applicant Meenu, who is wife of respondent, has no source of income and is entitled to get maintenance allowance from her husband. Similarly, Master Divyansh, minor son of the parties, is dependent upon applicant, whereas other child namely, Dhruv is dependent upon respondent.

The fact that salary certificate of respondent Exhibit P-1 reflects his monthly salary as Rs.36,000/- has been considered, but it has been kept in view that he has to take care of the other son of the parties Dhruv, who is living with him. Paragraph No.11 of this order is very relevant and for ready reference is reproduced as under:-

“11. The husband in the present case is an able bodied person and he is working under the Government Department having earning of Rs.36,000/- per month but at the same time respondent has liability towards his child and mother as well. It is bounden duty of the respondent to maintain his wife and children. From the evidence on file it is clear that petitioner No.2 has expense of Rs. 2,000/- as school fee and tuition fee of Rs.500/- and petitioner No.1 is required to provide same standard of living.

In view of the above situation this court is of this opinion that petitioners are entitled to maintenance of Rs.8,000/- per month for

maintenance.”

Thus the order is well reasoned one based upon proper appraisal and appreciation of evidence and correct interpretation of law. It is well settled that scope of revisional jurisdiction of this Court is quite limited and the Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order under challenge. The impugned order certainly does not suffer from any illegality or infirmity.

The impugned order is accordingly, upheld whereas the revision petition is found to be without any merit and the same is dismissed.

It is clarified that petitioner-wife shall be entitled to claim maintenance granted to her which is at the highest rate and she cannot claim monthly maintenance allowance in various proceedings collectively. However, the maintenance received by her in one proceedings is to be adjusted towards the maintenance due for that particular period in other proceedings. Of course, she would be entitled to get maintenance for that particular period at the highest rate, so awarded to her.

**6.10.2018**  
chugh

**( H.S. Madaan )**  
**Judge**

Whether speaking / reasoned  
Whether reportable

Yes/ No  
Yes/ No