

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 1975 of 2018 (O&M)

Date of decision : 9.8.2018

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Rahul Sharma

.....Petitioner

vs.

Jyoti and another

.....Respondents

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

Present: Mr. Jai Bhagwan Sharma, Advocate for
Mr. Y.D. Kaushik, Advocate
for the petitioner.

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H. S. Madaan, J.

This revision petition is directed against order dated 24.4.2018, passed by Additional Sessions Judge, Faridabad, allowing the appeal filed by Jyoti-wife and Kumari Chahal – daughter of Rahul Sharma, respondent, enhancing the interim maintenance granted by Judicial Magistrate Ist Class, Faridabad.

Respondent Rahul Sharma, who is revisionist before this Court, prays that the revision petition be accepted and the order passed by Additional Sessions Judge, Faridabad, enhancing the interim maintenance be set aside.

Briefly stated, facts of the case are that applicant/complainant Jyoti w/o Rahul Sharma aged about 25 years had brought a complaint under Section 12 (1) of the Protection of

Women from Domestic Violence Act, 2005, against her husband Rahul Sharma, and his 6 family members, wherein on being summoned, the respondents had put in appearance. The applicant-complainant had moved an applicant for grant of interim maintenance which was allowed by Judicial Magistrate Ist Class, Faridabad, vide order dated 19.9.2017 and respondent-husband Rahul Sharma was directed to give Rs.6,000/- to the complainant as maintenance amount for maintaining herself and the minor daughter, from the date of passing of the order.

Feeling dissatisfied, applicant-complainant Jyoti for herself and on behalf of her daughter, had filed an appeal to the Court of Sessions, which was accepted and monthly maintenance allowance was enhanced to Rs.12,000/- per month for both the appellants from the date of filing of application.

Feeling aggrieved, the respondent – husband has filed the present revision petition. However, I do not find any merit in it.

Before Judicial Magistrate Ist Class, Faridabad, though it was admitted by the respondent that he has been doing job with Indian Navy, at that time employed as store-keeper. Income of the respondent was assessed to be around Rs.30,000/- per month and in light of that Rs.6,000/- per month was granted for herself and minor daughter of the parties. However, in appeal, Learned Additional Sessions Judge, Faridabad, in paragraph 12 has observed that respondent husband has not given any affidavit regarding his income. The trial court has assessed his income as Rs.30,000/- per month.

The husband has not filed any appeal to controvert his earning of

Rs.30,000/- per month as accepted by the trial Court. The respondent has not challenged the order passed by Judicial Magistrate Ist Class, Faridabad, granting interim maintenance to the complainant appellant and minor daughter of the parties. Respondent could not show that complainant-appellant has got sufficient means of her maintenance and that of minor daughter of the parties. Therefore, maintenance allowance was enhanced to Rs.12,000/- per month.

During the course of arguments, learned counsel for the revisionist has placed on record photocopy of salary bill of Rahul Sharma for May 2018, showing his monthly earning as Rs.36,864/-. After deductions, the amount payable to Rahul Sharma comes out to Rs. 34,138/-. Rs.12,000/- granted to wife and minor daughter of Rahul Sharma on account of their maintenance, cannot be said to be on higher side.

Thus keeping in view the fact that things of basic needs are getting very costly and further expenses are to be borne by the applicant-complainant for her medical treatment, that of the minor daughter of the parties, education, expenses of minor daughter, her bringing up and expenses for her own bringing up including food, clothes etc. Therefore, no reason is made out to interfere with the impugned order. The revision petition being without any merit stands dismissed.

9.8.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No