

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR(F) No. 123 of 2017 (O&M)

Date of decision : November 15, 2018

Sonia Verma

....Petitioner

versus

Rajan Verma

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Shivoy Dhir, Advocate for the petitioner
Mr. Kapil Khanna, Advocate for the respondent

Fateh Deep Singh, J. (Oral)

The wife Sonia Verma, now petitioner herein instituted against husband-respondent Rajan Verma an application under Section 125 of the Code of Criminal Procedure seeking grant of maintenance allowance. The claim of the wife is that the marriage between the couple was solemnized on 19.2.2001 out of which two children were born to the couple. It is alleged by the wife that since the inception of the marriage the behaviour of the husband and his family members was not cordial towards herself and she was often beaten mercilessly and has levelled serious insinuations against the

husband alleging that she was forced to bring money and costly gifts from her parents and thus suffered physical as well as mental cruelty and thrown out of her matrimonial home.

The husband in his stand besides taking up preliminary objections regarding suppression of true and material facts. On merits he has raised the plea that the wife is living an adulterous life and rather often insults and humiliates the husband and has filed frivolous litigation against him and denied the allegations of the wife.

The wife testified as PW1 and reiterated her allegations.

The husband examined himself as RW1 proving his affidavit Ex. RW1/A, copy of petition as Ex. R1 and affidavit as Ex. R2 and examined his mother Neelam Rani as RW2 and tendered school receipts of the children as Ex. R3 and Ex. R4. Consequent upon, the court of learned Additional District Judge, Family Court, SBS Nagar allowed the application under Section 125 Cr.P.C. and granted Rs 3000/- per month as maintenance to the petitioner wife from the date of the order. The same is subject matter of challenge in this revision petition by the wife.

Upon hearing Mr. Shivoy Dhir, Advocate for the petitioner and Mr. Kapil Khanna, Advocate for the respondent and on perusal of the records.

The inter-se relationship of the petitioner and the husband is admitted by the two sides. The claim of the wife that the husband

is running a shop and earning handsomely to the tune of Rs 1 lac per month though the husband does not refute that he runs the shop but has absolutely denied the earnings and has rather taken the plea that the wife is a Beautician and therefore, self-dependent not entitled to any such relief. Since the husband accepts that he is running a shop but has failed to bring any convincing evidence as to his likely income from this avocation. The husband admits that he is not paying the maintenance at the time of this petition and therefore, has clearly neglected the wife who does not own any property or does not have independent source of income of her own. In the absence of evidence of the plea of the husband that the wife is a Beautician, the same needs to be out-rightly brushed aside. It is the bounden duty of the husband to maintain the dependent wife. The husband is an able bodied person admittedly having his own avocation of a Goldsmith and is also admittedly an income tax assessee. Keeping in view this admitted status of the husband, the present trend of prices of day to day living and essential commodities, the court below had grossly erred in granting maintenance to the tune of Rs 3000/- per month. No doubt the husband is maintaining two children born out of this wedlock but at the same time having regard to the ever increase in the rentals, necessary food items, medicines and other unforeseen requirements of life, it would be in the fitness of things if the maintenance so

granted is enhanced. The arguments that have come about from both the sides is nothing but a guise to put forth their respective stands. Thus, this Court keeping in mind that the provisions of Section 125 Cr.P.C. are welfare in nature for the betterment of the claimants together with the fact that two children out of this wedlock are living and being maintained by the husband, it would be fully justified and would also meet the ends of justice, if the maintenance so awarded keeping in view the realities of life is enhanced from Rs 3000/- to Rs 5000/- per month as the one granted by the court below appears to be highly meager.

In the light of what has been detailed and discussed above, exercising its inherent powers to meet the ends of justice, this Court modifies the impugned findings and enhances the maintenance from Rs 3000/- to Rs 5000/- per month and the present revision petition stands allowed in those terms. However, other terms of the impugned order would remain the same.

November 15, 2018**'tiwana'****(Fateh Deep Singh)
Judge***Whether speaking/reasoned ?**Yes/No**Whether Reportable ?**Yes/No*