

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

CRR(F)-191-2017(O&M)
Date of decision:-14.9.2018

Meenakshi

...Petitioner

Versus

Amarjeet

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Surinder Singh, Advocate
for the petitioner.

None for the respondent.

H.S. MADAAN, J.

Petitioner Meenakshi had filed a petition under Section 125 Cr.P.C. against her husband Amarjeet – respondent seeking grant of monthly maintenance allowance, in which she had filed an application for grant of interim maintenance pleading that she does not have any source of income and is unable to maintain herself, whereas the respondent is a man of means having 12 acres of agricultural land, in that way he is earning of Rs.50,000/- per month, but he has neglected and refused to maintain the petitioner, therefore, interim maintenance at the rate of

Rs.20,000/- be granted to her, payable by respondent.

On notice, the respondent appeared and filed written reply contesting the assertions in the petition praying for dismissal of the application in question.

After hearing counsel for the parties, learned District Judge, family Court, Rohtak allowed the said application for interim maintenance vide order dated 5.12.2016 and respondent was directed to pay a sum of Rs.9,000/- per month to the petitioner as interim maintenance from the date of filing of the petition and litigation expenses of Rs.5,500/- were also awarded to the petitioner.

However, feeling dissatisfied with the quantity of interim maintenance granted, the petitioner has approached this Court by way of filing the present revision petition.

I have heard learned counsel for the petitioner besides going through the record.

The revision petition has been filed belatedly by 38 days. An application bearing No.CRM-15175-2017 seeking condonation of such delay in filing of the revision petition has been moved contending therein that it was being assumed that a petition under Section 482 Cr.P.C. was to be filed, for which no limitation period is prescribed, however, a limitation for filing of revision petition is there, in the whole process delay took place in institution of the present revision petition, therefore it be condoned.

Though, the request is being opposed on behalf of the respondent but I find sufficient grounds to condone the delay since it is

always desirable to decide a *lis* on merits rather than non suiting a party on a technical ground. Therefore, CRM-15175-2017 stands allowed and delay of 38 days in filing of the revision petition stands condoned.

As far as the merits of the case are concerned, I find that the interim maintenance granted by the trial Court to the petitioner is somewhat on lesser side. The respondent as per the copy of jamabandi for the year 2009-2010 of village Ismaila is owner of 86 kanals 11 marlas of land, which means he owns about 11 acres of land. If we take that such chunk of land is given on rent/lease that would normally fetch around Rs.35,000/- per month per acre meaning thereby $35,000/- \times 11 =$ Rs.3,85,000/- per annum, say a sum of Rs.32,000/- around per month. In this time of high prices things of basic needs are getting very costly. The petitioner – wife, who as per law is entitled to the same standard of living as that of her husband cannot possibly make both ends meet with Rs.9,000/- per month awarded to her by the trial Court as interim maintenance. In my considered view, the amount of Rs.12,000/- per month would be just necessary to meet her basic needs.

Therefore, the revision petition is accepted, the impugned order passed by District Judge, Family Court, Rohtak is modified and the petitioner is granted interim maintenance @ Rs.12,000/- payable by the respondent per month, from the date of filing of petition onwards.

14.9.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No