In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision (F) No. 392 of 2017 (O&M)
Date of Decision: 12.7.2018

Vijay Laxmi and another ......Petitioner

Versus

Sachin .....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Atul Yadav, Advocate
for the petitioners.

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ANITA CHAUDHRY, J (ORAL)

CRM-23417-2018

Application is allowed and Annexure P-4 is taken on record.

CRR(F)-392-2017 (O&M)

This revision is against the order dated 20.7.2017 passed by the Family Court, Gurugram who allowed maintenance to the petitioners. The petitioners are seeking enhancement.

On the last date of hearing, the petitioners were asked to place on record the salary certificate. The salary certificate of November 2016 has been placed on record.

I have heard the counsel for the petitioners at great length and have gone through the impugned order.

Petitioner No. 1 was married to respondent in February 2010. A child was born to them in November 2011. Disputes arose between the couple and they separated in April 2015. A petition under Section 125 Cr.P.C. was filed in October 2015. Petitioner No. 1 claimed that she had no source of income but the husband was working in a multinational company in Pune and was getting salary of Rs. 65,000/- per month.

The trial Court noted the details of the salary from the salary certificate filed by the petitioner and allowed maintenance of Rs. 10,000/- per month to petitioner No. 1 and Rs. 6,000/- per month to petitioner No. 2 from the date of filing of petition.

Counsel for the petitioners contends that the total income was over Rs. 68,000/- per month and only a meagre amount has been allowed and the amount may be enhanced.

The salary certificate that was placed on record pertains to November 2016 while the trial Court has allowed maintenance to the petitioners from the date of filing of the petition. The Court should have considered the salary of October 2015 and not of November 2016. Even if we consider the certificate placed on record, it is found that the take home salary was little over Rs. 40,000/- per month. The deductions which are being made are on account of PF, income tax, house rent recovery and some payment to the Co-operative Society. The respondent had disclosed to the Court below that he was paying Rs. 8,000/- per month as rent besides the insurance premiums. He had also stated that he had to spend some amount on travel, mobile and canteen expenses. Therefore, I am of the view that the amount allowed to the petitioners was adequate.

No case for modification is made out. The petition is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

July 12, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No