

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

CRR(F) No. 452 of 2017(O&M)

Date of Decision: 17.01.2018

Seema Sharma

..... Petitioner

Versus

Ankush Sharma

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Neeraj Yadav, Advocate
for the petitioner.

LISA GILL, J(Oral).

Petitioner is aggrieved of order dated 28.07.2017, passed by the learned District Judge (Family Court), Gurugram, whereby the petitioner's application under Section 127 Cr.P.C., has been dismissed.

Brief facts necessary for the adjudication of this case are that the petitioner had filed a petition under Section 125 Cr.P.C., on 02.01.2013. Same was decided by the learned District Judge (Family Court), Gurugram on 07.05.2014. The petitioner narrated that she was thrown out of her matrimonial home. Respondent-husband was stated to be working in a multi-national company, earning more than ₹80,000/- per month. Petitioner claimed maintenance to the tune of ₹40,000/- per month.

Learned District Judge (Family Court) Gurugram, vide order dated 07.05.2014, while noting the contention and averment of the petitioner that the respondent-husband was earning ₹80,000/- per month from his employment directed the respondent-husband to pay a sum of ₹20,000/- per month from the date of filing of the petition. Petitioner did not claim any enhancement of the said amount.

Subsequently, an application under Section 127 Cr.P.C., was

filed by the petitioner stating that there is a change in circumstance as the respondent-husband was now earning ₹1,10,000/- per month. Therefore, maintenance awarded to her be enhanced as well.

Learned District Judge (Family Court), Gurugram, vide order dated 28.07.2017 dismissed the said petition under Section 127 Cr.P.C., while specifically observing that there is no substantial change in the circumstances as it is proved on record that salary of the respondent-husband was about ₹84,000/- per month now. It is further observed that the respondent-husband has the responsibility of supporting his aged parents. The husband's father was merely drawing a meagre pension of ₹7500/- per month therefore it was obvious that he would have to support his parents. In this view of the matter, petition under Section 127 Cr.P.C., filed by the petitioner was dismissed.

Learned counsel for the petitioner is unable to point out anything on record to indicate any substantial change in circumstances which would justify enhancement of the maintenance to be paid to the petitioner.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 28.07.2017, passed by the learned District Judge (Family Court), Gurugram, which calls for interference by this Court in exercise of revisional jurisdiction.

Accordingly, this petition is dismissed.

17.01.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No