

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

Crl. Revision (F) 319 of 2018 (O&M)  
Date of decision: 13.8.2018

Manjeet Kaur and another

...Petitioners

Versus

Paramjeet Singh

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Sushil K. Sharma, Advocate  
for the petitioner.

**JAISHREE THAKUR, J.**

1. This revision petition has been filed under Section 401 of the Code of Criminal Procedure seeking to challenge the judgment dated 17.2.2018, passed by the Family Court , Karnal, awarding a sum of ₹6,000/- per month to the petitioners herein.

2. In brief, the facts are that petitioner No.1 solemnized a marriage with the respondent on 26.6.2011 and a male child was born from this wedlock on 11.11.2012. However, on account of inadequate dowry, a dispute arose between the parties and eventually petitioner No.1 was turned out of her matrimonial home and thereafter she and her minor child shifted to her parental home. As petitioner No.1 herein did not have any means to support herself and her minor child, a petition under Section 125 of the Code of Criminal Procedure was filed seeking maintenance for herself and minor. The petitioners herein claim that the respondent is a property dealer and also owns agricultural land besides a gas agency and a tractor and thus,

earning ₹50,000/- per month from various sources and, therefore, she claimed ₹20,000/- per month apart from medical expenses of the minor child, who was born with a hole in his heart and is receiving treatment from the PGI, Chandigarh.

3. Reply was filed by the respondent taking preliminary objection that the petition under Section 125 of the Code of Criminal Procedure was not maintainable, as the petitioner-wife had willfully withdrawn from his company.

The matter was ultimately decided and the District Judge, Family Court, Karnal, held that the petitioners herein would be entitled to receive ₹6,000/- per month. Aggrieved against, the instant revision has been filed.

4. Learned counsel appearing on behalf of the petitioners contends that the minor child is undergoing treatment at PGI and on account of a hole in his heart and, therefore, the amount of maintenance that has been awarded does not cover the medical expenses and prays for enhancement of the same.

5. I have heard learned counsel for the petitioners and also perused the order under challenge.

6. The District Judge, Family Court, Karnal, took note of the fact that the respondent herein is a driver and employed in a private capacity and also took note that he had been acquitted of the offence under Sections 498-A, 323, 506 and 406 IPC in FIR No. 540 dated 2.10.2014. The claim of the petitioners that the respondent was a man of substantive means earning ₹50,000/- per month on account of owning agricultural land, a tractor etc.

was not believed since there was no evidence on record. Taking the petitioner to be a person of capable of earning as a skilled worker i.e. a driver his income was held to be ₹10,000/- per month, as the Collector rate of a daily wager is approximately ₹10,000/- per month and on that basis ₹6,000/- was ordered to be paid to both the petitioners.

7. The Supreme Court in **Kalyan Dey Chowdhury Versus Rita Dey Chowdhury 2017 (2) R.C.R. (Civil) 1033**, while following **Dr. Kulbhushan Kumar V. Raj Kumari and Anr. (1970) 3 SCC 129**, has held that 25% of the husband's salary would be just and proper to be awarded as maintenance to the wife.

8. In view of the above, the maintenance allowed to the petitioners is more than adequate, in view of the fact that the respondent is no earning more than ₹10,000/- per month. Consequently, this revision is dismissed.

However, while parting with the order, it is observed that the petitioner will always have remedy of seeking enhancement should there be change in circumstances in the earning capacity of the respondent-husband.

13.8.2018  
prem

(JAISHREE THAKUR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No