

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

CRR(F) 346 of 2018

Date of Decision: November 20, 2018

Aarti

.....Petitioner

Versus

Joginder Singh

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Mohit Rathee, Advocate
for the petitioner.

Mr. Amit K. Goyal, Advocate
for the respondent.

FATEH DEEP SINGH, J.

The petitioner wife Aarti is aggrieved over a finding dated 27.04.2018 (Annexure P-3) recorded by the learned District Judge, Family Court, Sonapat whereby her application under Section 125 Cr.P.C. seeking maintenance was allowed and the respondent/husband was ordered to pay a sum of Rs.6,000/- to the petitioner as maintenance allowance from the date of the filing of the present petition to his wife. Being dissatisfied over this maintenance, the petitioner/wife has sought modification of the order by filing the present petition and prayed for enhancement of the maintenance

amount.

Heard counsel for the parties and perused the record.

The claim of the petitioner-wife as canvassed by her counsel Mr. Mohit Rathee that the pay slip of the husband Annexure P-1 shows that the husband was getting gross pay as Rs.71,255/- per month, however, this argument have been rightly controverted by the counsel for the respondent Mr. Amit Kumar Goyal that certain compulsory deduction are to be made and has sought to stress that this very certificate, which is not put to dispute shows his net pay Rs.62,746/- per month. It is contended by the respondent side that at the trial of the application under Section 125 Cr.P.C., the wife does not dispute the fact that the husband is keeping both the children born out of this wedlock with him and maintaining them and spending money on their upkeep as well as education. It is not put to question that husband admittedly is working as a lecturer of physics in a school in Narela at Delhi.

Having regard to the fact that the wife is living alone and has no proof on the record and that the husband out of his total salary of Rs.62,746/- per month after contributing Rs.6,000/- per month to her as maintenance allowance and is not undergoing his obligations towards the children and other family member and if so, it does not appear to this Court that there is misconstruing of the evidence or the law by the Court below. The Court has given due consideration to the position and status of the parties and the reasonable wants of the wife

and other dependants and has come to a totally justifiable conclusion.

There appears no illegality or perversity in the impugned order, the same needs to be upheld. The revision without being any merit stands dismissed.

November 20, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No