

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

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**CRR (F)-517-2018 (O & M)
DATE OF DECISION: 09.10.2018.**

Ramesh Chand

... Petitioner(s)

Versus

Laxmi Devi and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned order dated 05.06.2018 whereby the petition of the respondent-wife and her minor son under Section 125 Cr.P.C. for maintenance has been allowed and it has been directed that the petitioner-husband shall pay a sum of Rs.10,000/- each to both i.e. the respondent-wife and the minor son.

Learned counsel for the petitioner contends that the basic salary of the petitioner is Rs.32,104/- and respondent No.1 herself owns some agricultural land. He also contends that the daughter is being maintained by the petitioner. He further contends that in terms of Section 125 (4) Cr.P.C., if wife is living in adultery or has abandoned the company of the husband without any reasonable excuse, would not be entitled to any maintenance. Therefore, maintenance granted by the trial Court is on the higher side.

Heard.

It is evident from the perusal of the impugned order that the salary slips of the petitioner for the period of July, 2017 to January, 2018 had been exhibited as Ex.P-2 to Ex.P-8, although the basic salary of the petitioner has been mentioned as Rs.32,104/- but the emoluments including the incentives is more than Rs.1 lakh per month. The emoluments received by the petitioner during the months from July, 2017 to January, 2018 as per salary slips (Ex.P-2 to Ex.P-8) are as under:-

Sr.No.	Month	Emoluments
1.	July, 2017	Rs.1,19,075.75
2.	August, 2017	Rs.1,70,677.01
3.	September, 2017	Rs.96,890.52
4.	October, 2017	Rs.1,41,752.91
5.	November, 2017	Rs.1,11,022.54
6.	December, 2017	Rs.3,07,840.89
7.	January, 2018	Rs.1,67,822.48

Furthermore, there is no material on record to suggest that respondent No.1 would not be entitled to any maintenance in terms of provisions of Section 125 (4) Cr.P.C.

The factum that the respondent-wife owns agricultural land would not be of much consequence as there is no evidence to suggest that she is deriving any substantial income from the agricultural land.

In these circumstances, the maintenance of Rs.10,000/- each for the respondent-wife and her minor son, cannot, in any manner, be construed to be excessive or on the higher side.

Consequently, I do not find any merit in the petition and the same stands dismissed.

09.10.2018*A.Kaundal***(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned :	Yes / No
Whether reportable :	Yes / No