

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CRM-M-26501-2017 (O&M)

Date of Decision:21.01.2019

Amrit Preet Singh

.....Petitioner

Versus

Khushdip Kaur and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.**

**Mr. K.P.S. Virk, Advocate,
for the respondents.**

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. for setting aside the order dated 23.05.2016 passed by learned Judicial Magistrate 1st Class, Sangrur, (Annexure P-18), whereby on a petition filed by the respondent-wife and her minor son under Section 125 Cr.P.C., learned Magistrate has awarded maintenance @ ₹20,000 per month to the respondents from the date of order. However, instead of challenging the order dated 30.05.2016 (Annexure P-19) by way of revision petition before the Sessions Judge, the petitioner has straightway filed the present petition under Section 482 Cr.P.C. for quashing the said orders (Annexures P-18 and P-19). Vide order (Annexure P-19), correction was carried out in the order dated 23.05.2016, when there was a typographical error when

instead of ₹20,000/-, ₹2,000/- was typed.

Learned counsel for the petitioner has argued that since the order dated 23.05.2016 was passed ex parte, petitioner has filed the present petition under Section 482 Cr.P.C., directly to this Court. Moreover, at this stage filing of revision petition before Sessions Judge would be barred by limitation. He further states that vide order dated 23.05.2016, learned Judicial Magistrate 1st Class has awarded maintenance to the respondents @ ₹2,000/- per month from the date of the order and it is thereafter, on an application filed by the respondents, order dated 30.05.2016 has been modified to the extent that instead of ₹2,000/- per month, maintenance has been awarded ₹20,000/- per month. The precise argument of the learned counsel for the petitioner is that once the learned Magistrate has passed the order dated 23.05.2016, there was no material for the same court to enhance the maintenance @ ₹20,000/- per month from the initially awarded maintenance of ₹2,000/- per month.

On the other hand, learned counsel for the respondents has argued that considering the status of the family and income of the petitioner, learned Magistrate vide order dated 23.05.2016 though has awarded maintenance @ ₹2,000/- month, but since it was a typographical error/mistake, therefore, vide order dated 30.05.2016, the same has been modified and has awarded maintenance @ ₹20,000/- per month to the claimants-respondents.

I have heard learned counsel for the parties.

The maintenance awarded to a party is always based on the status of the parties. The petitioner-husband is carrying the business of a travel agency in Italy since the year 2002 much before the solemnization of

the marriage. Therefore, this Court finds that the petitioner cannot take the benefit of a typographical error. The bare perusal of the judgment dated 23.05.2016 does reflect that the court has awarded maintenance @ ₹20,000/- per month to each respondent and it is because of a typographical error, the amount was wrongly typed as ₹2,000/- per month. Even otherwise, it has been brought to the notice of this Court that throughout the proceedings, the respondents have not been paid any amount of maintenance except an amount of ₹3 lac, which was granted at the time of grant of anticipatory bail on 18.05.2015. Thereafter, no amount has been paid after 18.05.2015, which shows the conduct of the petitioner. In the absence of payment of maintenance it is difficult for the respondents to survive.

Therefore, no case for interference is made out.

Dismissed.

January 21, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No