

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

CRR No.1355 of 2019 (O&M)
Decided on:- May 30, 2019.

Gurinder Raj Singh.

.....Petitioner.

Versus

Parminder Kaur and another

.....Respondents.

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

Present:- Mr. Bhriugu Dutt Sharma, Advocate
 for the petitioner.

HARI PAL VERMA, J.(Oral)

The petitioner has filed present criminal revision against the judgment dated 25.04.2019 passed by learned Sessions Judge, Fatehgarh Sahib, whereby the revision petition filed by the respondents, who are wife and minor daughter of the petitioner, against the order dated 18.01.2018 passed by learned Judicial Magistrate 1st Class, Fatehgarh Sahib, was partly allowed.

Vide order dated 18.01.2018, learned Magistrate had directed the petitioner to pay interim maintenance @ Rs.1500/- per month to each of the respondents from the date of filing of the application. However, in a revision filed by the respondents against the aforesaid order passed by learned

Magistrate, learned Sessions Judge, Fatehgarh Sahib had increased the said amount to Rs.3,000/- per month for each of the respondents.

It is in these circumstances, the petitioner has filed present criminal revision.

Learned counsel for the petitioner has argued that though the Courts below have treated the petitioner as a labourer, but still learned Sessions Judge has assessed the income of the petitioner as Rs.15,000/- per month without any basis or valid reason. Moreover, the maintenance should have been awarded from the date of order and not from the date of filing of the application.

Having heard learned counsel for the petitioner, this Court finds that it being interim maintenance and that too at the rate of Rs.3,000/- per month to each of the respondents, no case for interference is made out.

The argument of learned counsel for the petitioner that the maintenance should have been awarded from the date of order and not from the date of filing of the application, has no merit in view of the judgment passed by Hon'ble Supreme Court in ***Jaiminiben Hirenghai Vyas and another Versus Hirenghai Rameshchandra Vyas and another 2015(1) RCR (Criminal) 84***, wherein it has been held that the Court has discretion to grant maintenance either from the date of application or from the date of order.

Therefore, this Court finds that there is no illegality in the impugned judgment dated 25.04.2019 passed by learned Sessions Judge,

Fatehgarh Sahib, which may warrant interference by invoking revisionary jurisdiction of this Court.

Accordingly, affirming the impugned judgment dated 25.04.2019 passed by learned Sessions Judge, Fatehgarh Sahib, present criminal revision, being devoid of any merit, is dismissed.

May 30, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No