

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

CRR(F) No.320 of 2018 (O&M)

Date of decision: 9th May, 2019

Major (Retd.) M.S. Seetharaman

... Petitioner

Versus

Usha Seetharaman

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sachin Mittal, Advocate for the petitioner.

Mr. Hemant Bassi, Advocate for the respondent.

FATEH DEEP SINGH, J.

Petitioner Major (Retd.) M.S. Seetharaman and respondent Usha Seetharaman admittedly got married on 23.05.1977 out of which wedlock they were bestowed with two sons. It is during the course of their matrimony, a dispute arose whereby the wife instituted an application under Section 125 Cr.P.C. seeking maintenance and it is during these Court proceedings, vide orders dated 20.04.2015 the Court of learned District Judge, Family Court, Gurgaon ordered payment of 50% of the pension by the husband to the wife towards maintenance allowance with effect from 01.05.2015. It is thereafter, the wife filed an application under Section 127 Cr.P.C. before the Court of learned Additional Principal Judge, Additional Family Court, Gurugram and vide orders dated 15.05.2018 the Court passed the following order:-

“6. The order regarding giving 50% of the pension was passed on 20.04.2015 and the present petition for enhancement was filed on 10.02.2016 i.e. within 10 months of passing of order dated 20.4.2015. By no stretch of imagination, it can be presumed that within 10 months, the total monthly expenses of the petitioner have increased to such an extent that she would be entitled for 50,000/- per month expenses despite the fact that the respondent has been getting only Rs.60,251/- as pension.”

However, the Court held the wife entitled to half share in the arrears of pension received by the husband under One Rank One Pension (OROP) Scheme besides CSD groceries card facility and thus, the application under Section 127 Cr.P.C. was allowed.

Heard Mr. Sachin Mittal, Advocate for the petitioner; Mr.Hemant Bassi, Advocate for the respondent and perused the records of the case.

It is admitted stand of the two sides that on 20.04.2015 while disposing off the application under Section 125 Cr.P.C. filed by the wife for maintenance, following orders were passed on mutual agreement of the parties:-

*“Present:Petitioner with Shri AVS Chauhan Advocate.
Respondent with Shri Neeraj Gupta Advocate.*

Both the parties have appeared and have made a joint statement that they have amicably resolved the dispute and have agreed that the respondent shall pay 50% of his pension as maintenance to the petitioner with effect from 1.5.2015. The respondent shall deposit the amount in account No.044900101008521 with corporation bank, Gurgaon. The respondent shall deposit the amount in the said account on or before the 10th of every English calendar month. They have prayed that this petition be disposed accordingly. In view of the joint statement made by the parties today in the Court, this petition disposed accordingly. File be conceded to the record room.”

From this, it is clearly established beyond any doubt that the husband has agreed to pay the wife 50% of the pension as maintenance with effect from 01.05.2015 which he would be depositing on or before 10th of every month in the bank account of the wife detailed therein. The claim that is sought to be raised by the husband over the impugned findings is that this settlement was made on 24.04.2015 and application under Section 127 Cr.P.C., out of which the present revision has arisen, has come about on 03.11.2017 in which orders were passed on 15.05.2018.

Appreciating the submissions of the two sides, the husband could not disagree with the fact that it was before the Court of law he and

his wife had agreed to pay the maintenance that has been detailed above, which was 50% of the pensionary benefits besides canteen facilities. It is not displaced by learned counsel for the petitioner the argument that has come about from the side of the respondent by Mr.Hemant Bassi Advocate, that with the implementation of OROP Scheme there has been spurt in the pensionary benefits of the husband who could not displace the fact that he has received massive arrears of pension on account of that. It is, considering this fact the impugned orders have come about which is passed on the own statement of the petitioner husband before the Court of learned District Judge, Family Court, Gurugram agreeing to pay 50% of his pension as maintenance to his wife with effect from 01.05.2015 and if that pension has seen an enhancement with the implementation of OROP Scheme, to the mind of this Court, husband should not have grouse over it and as per his own stand, he ought to have readily paid this amount to the wife. Besides the fact though it is after a short span of around ten months, enhancement of maintenance allowance has been moved by the wife, who during this period had claimed that the earnings of the husband have been enhanced as well as undisputed fact that there is price escalation seeing astronomical rise in the price index and therefore, the wife certainly needs to have respite from this spiraling bite of rising inflation. Learned counsel for the petitioner could not

convince this Court how the impugned order is illegal in its findings or
perverse in its approach necessitating intervention by this Court. The
revision petition being hopelessly without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 9, 2019
rps

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