

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

CRR(F) No.551 of 2018.
Decided on:- January 16, 2019.

Gourav Nayyar.

.....Petitioner.

Versus

Niti and another.

.....Respondents.

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

Present:- Mr. Sutikshan Sharma, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

CRM-38401-2018

The documents i.e. copies of income tax return, salary slip, certificate of loan and the order passed for grant of maintenance as Annexures P-1 to P-4 respectively are taken on record subject to all just exceptions.

CRM stands disposed of.

CRR(F) No.551 of 2018

The petitioner has filed present criminal revision against the judgment dated 09.08.2018 passed by learned District Judge, Family Court, Ambala, whereby in a petition under Section 125 Cr.P.C. filed by the respondents, learned family Court has awarded maintenance of Rs.5,000/- per month to respondent No.1 Niti and Rs.3,000/- per month to respondent No.2 Mahim, who are wife and minor son of the petitioner respectively with effect from the date of passing of the order. The petitioner-husband has also been

held liable to pay the outstanding amount of arrears of interim maintenance allowance at the rate of Rs.3,000/- per month from the date of filing of the petition till the passing of the order.

Learned counsel for the petitioner has argued that the family Court has wrongly relied upon the averments made by the respondent-wife that the petitioner is working with Himalayan Private Limited and is earning Rs.25,000/- per month, whereas the petitioner is working in Ashoka Enterprises on a salary of Rs.12,570/- per month. He joined the said firm on 01.04.2015.

Learned counsel for the petitioner has referred to the salary slip issued by Ashoka Enterprises for the month of May, 2018 to substantiate the fact that the gross salary of the petitioner is Rs.12,570/- per month and the net salary is Rs.9010/- per month. He further states that the petitioner has availed loan of Rs.2 lakh from the Central Bank of India for which he is required to pay EMI @ Rs.3323/- per month and in this manner, the petitioner is left with carry home salary of Rs.5687/- per month.

I have heard learned counsel for the petitioner.

Perusal of the impugned judgment dated 09.08.2018 passed by learned family Court reveals that the petitioner has shown his annual income in his income tax return for the assessment year 2015-16 (Ex.P2) as Rs.2,48,500/-. Similarly, in the income tax return for the assessment year 2016-17 (Ex.P3), he has shown his annual gross total income as Rs.2,54,000/-. Along with the petition, the petitioner has also filed copy of his income tax return for the assessment year 2017-18, wherein the annual gross

total income of the petitioner is shown as Rs.2,84,400/-. Thus, this Court finds that there is a continuous trend of increasing the income of the petitioner. The respondents No.1 and 2 are the wife and minor son of the petitioner and this Court finds that the maintenance awarded by learned family Court is not on higher side. Therefore, no interference is warranted with the impugned judgment dated 09.08.2018 passed by learned family Court.

Accordingly, affirming the impugned judgment dated 09.08.2018 passed by learned family Court, present criminal revision, being devoid of any merit, is dismissed.

January 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No