

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR(F) No.608 of 2018 (O&M)

Date of Decision: 24.01.2019

Seema Saini & another

...Petitioner(s)

Versus

Narender

...Respondent(s)

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

Present:- Mr. Surinder Gaur, Advocate  
for the petitioners.

\*\*\*\*\*

**HARI PAL VERMA, J. (Oral)**

**CRM-42472-2018:**

Prayer in this application filed under Section 5 of the Limitation Act read with Section 482 CrPC is for condonation of delay of 123 days in filing the present revision petition.

For the reasons stated in the application, the same is allowed. Delay of 123 days in filing the present revision petition is condoned.

**CRR(F) No.608 of 2018:**

The petitioners have filed the present revision petition, seeking enhancement of maintenance granted by the Principal Judge, Family Court, Rohtak vide judgment dated 23.04.2018, whereby on an application filed by the petitioners under Section 125 CrPC, learned Family Court has granted maintenance @ Rs.8,000/- per month to petitioner no.2 from the

date of filing of the petition, however, the claim for maintenance to petitioner no.1 has been declined for the reason that she was also drawing a salary of Rs.55,634/-.

Learned counsel for the petitioners has argued that petitioner no.2 was born out of the wedlock of petitioner no.1-wife and the respondent-husband and therefore, she is also required to be maintained by the respondent-husband. However, the awarded maintenance of Rs.8,000/- per month to petitioner no.2 is on a lower side, particularly when huge expenses are to be incurred on his education and other expenses, who is a student of 9<sup>th</sup> class. Therefore, the Family Court should have awarded at least Rs.15,000/- per month, as maintenance, to the petitioner no.2, considering the rising prices.

I have heard learned counsel for the petitioner.

There is no dispute that petitioner no.1 and the respondent are working and drawing more or less equal salaries, as is clear from the impugned judgment dated 23.04.2018, which reflects that petitioner no.1 is drawing a salary of Rs.55,634/- for the month of May, 2016, whereas as per the salary statement of the respondent, he has drawn a salary of Rs.18,654/- in the month of December, 2015 after having deductions of Rs.31,020/- from his gross salary of Rs.51,734/-.

Considering the fact that petitioner no.2 is the only issue out of this wedlock and respondent has already been directed to pay maintenance @ Rs.8,000/- per month to petitioner no.2, this Court finds that the maintenance awarded by the Family Court is quite reasonable and justified one. Moreover, the petitioner no.1 cannot absolve herself from her

responsibility to maintain petitioner no.2 in equal manner. Even if it is assumed that petitioner no.2 deserves to be awarded maintenance @ Rs.15,000/- per month, a sum of Rs.8,000/- has already been granted by the Family Court payable by the respondent. Therefore, petitioner no.1 who is also employed, is also required to contribute equally.

Accordingly, no interference is warranted into the impugned judgment dated 23.04.2018 passed by the Family Court.

The present revision petition is dismissed.

**January 24, 2019**  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No