

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-2088-2019 (O&M)
Date of Decision:-28.8.2019

Kewal Singh ... Petitioner

Versus

Amarjit Kaur ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Fariad Singh Virk, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court challenging order dated 27.5.2019 passed by learned Additional Sessions Judge, Ludhiana, whereby an appeal filed by the petitioner challenging order dated 16.12.2017 passed by learned Judicial Magistrate 1st Class, Samrala, enhancing the maintenance awarded to the respondent-wife from ₹500/- per month to ₹3,000/- has been dismissed.

The undisputed facts are that the petitioner was married to the respondent and three children were born out of the wedlock. However, since the petitioner did not maintain the respondent-wife as well as his three minor children, the learned JMJC, while accepting a petition under Section 125 Cr.P.C., awarded maintenance to the wife and to her three children @ ₹500/- each vide order dated 14.6.2003.

Subsequently, in the year 2015, the petitioner's wife moved an application under Section 127 Cr.P.C. seeking enhancement of maintenance,

which was accepted vide impugned order dated 16.12.2017 and the maintenance as awarded to the petitioner's wife was enhanced from ₹500/- to ₹3,000/-. The appeal filed by the petitioner challenging the aforesaid order was also dismissed.

The learned counsel for the petitioner has submitted that the aforesaid enhancement from ₹500/- to ₹3,000/- was not warranted especially in view of the fact that the petitioner's wife is herself being employed in Preet Public School, Sihala, where she is getting salary @ ₹3,000/- per month.

I have heard the learned counsel for the petitioner.

The respondent-wife had been awarded maintenance @ ₹500/- per month way back in the year 2003. It has been 16 years thereafter and this Court can very well take judicial notice of the escalation of prices during the said long period of 16 years. In any case, the petitioner is an able bodied person and, even if, he is deemed to be an unskilled labour, still his income can safely be assessed between ₹14,000/- to ₹15,000/- per month. Even if, the respondent-wife was constrained to take up some meagre job, the same would not disentitle her for grant of any maintenance or seeking enhancement of maintenance. The amount of ₹3,000/- as enhanced maintenance, cannot be said to be unreasonable so as to warrant any interference in the impugned order. There is no merit in this revision petition and the same is hereby dismissed.

28.8.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No