

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

**FAO-M-1162-2018
Decided on : 30.08.2019**

Kavita

... Appellant(s)

Versus

Krishan Kumar

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Argued by: Mr. S.N. Pillania, Advocate
for the appellant(s).

Mr. Vinod Kumar, Advocate and
Mr. D.K. Singal, Advocate
for the respondent(s).

MANJARI NEHRU KAUL, J.

The instant appeal has been preferred by the appellant-Kavita, for modification of the order dated 13.10.2018, whereby, the application filed by her under Section 25(2) of the Hindu Marriage Act, 1955 (for brevity 'the Act'), for enhancement of maintenance amount was allowed and respondent-Krishan Kumar was directed to pay only ₹ 15,000/- p.m. as maintenance to the appellant.

A few facts necessary for adjudication of the case, as pleaded in the petition filed by the appellant (applicant therein) before the Ld. Family Court, may be noticed. The marriage between the parties was dissolved under Section 13-A of the Act by the Ld. Court below vide order dated 17th December, 2007. Subsequently, the appellant filed two applications under Section 25 and 25(2) of the Act for grant of permanent alimony and maintenance respectively. Vide order dated 15.04.2008 of the Addl. District Judge, Panchkula (in short, 'Ld. ADJ'), maintenance of ₹ 3000/- p.m. was granted to the appellant. Later on, the said

amount was ordered to be enhanced to ₹ 10,000/- p.m. vide order dated 18.09.2013 of the Ld. ADJ. The appellant challenged the decree of divorce dated 17.12.2007 by way of an appeal, while the respondent appealed against the order dated 18.09.2013, whereby, the enhanced maintenance of ₹ 10,000/- p.m. was granted to the wife. However, both the appeals were dismissed by the Ld. Court below on 26.02.2016. The appellant filed a fresh application under Section 25(2) of the Act, dated 17.01.2017, before the Ld. Court below, wherein, she pleaded that the amount of maintenance of ₹ 10,000/- was granted to the appellant vide order dated 18.09.2019, keeping in mind the prevailing circumstances at that point of time and the same was insufficient and inadequate in the prevailing circumstances due to the high cost of living coupled with the fact that her expenses too had increased due to her ill health. It was also pleaded that the respondent had been promoted as Sub-Inspector (SI) from Asstt. Sub Inspector (ASI) and as such was drawing a higher salary in the sum of ₹ 54,880/- p.m., besides, also getting an additional rental income in the sum of ₹ 24,000/- p.m. The appellant pleaded that on the other hand she was living in a rented accommodation, for which, she was paying a monthly rent of ₹ 6600/- and was dependent on her two sisters. She further pleaded that the Court had directed the office of the respondent to deposit the maintenance in the savings Bank account of the appellant vide order dated 12.06.2008, but the amount was being deposited by the respondent himself. In the circumstances, she prayed for enhancement of maintenance to ₹35,000/- p.m. and directions to the Drawing & Disbursing/Competent Authority to deposit the amount in the Bank account of the appellant.

Per contra, in the written statement filed by the respondent (respondent therein), he categorically refuted and denied the averments made in the petition by the appellant. The respondent submitted that besides maintaining

himself, he had the responsibility of his unemployed son as well as his daughter-in-law. He alleged that the prayer of the appellant for enhancement of maintenance amount to ₹ 35,000/- p.m. for her medical bills etc. was nothing but an excuse to extract money from him, more so, when no evidence in support of her medical bills/prescriptions had been submitted by her. He, further, submitted that he had been promoted as E/SI and denied getting the salary of Sub-Inspector. He also denied being the owner of house in Dhakoli, Distt. Punjab or there having been any increase in his salary or he getting any rental income.

From the pleadings of the parties, the following issues were framed by the Ld. Court below:-

- “1. Whether the applicant is entitled for enhancement of maintenance amount from Rs. 10,000/- to Rs. 35,000/- per month ? OPP*
- 2. Whether the petition is not maintainable ? OPR*
- 3. Whether the applicant has concealed the true and material facts from the court ? OPR*
- 4. Relief.”*

Both the parties adduced evidence in support of their respective stands. The appellant stepped into the witness-box as AW1. On the other hand, respondent examined as many as two witnesses. He himself appeared as RW1/A and examined ASI Gurdev Singh, O/o State Vigilance, Head Quarter Panchkula as PW2, who proved the salary slips of the respondent as Ex.PW2/1 and Ex.PW2/3, respectively.

After analyzing the evidence led by the parties and also the material on record, the Ld. Court below allowed the application filed by the appellant under

p.m. as maintenance to her.

We have heard learned counsel for the parties and have reappraised the evidence and other material on record.

The salary slips of the respondent Ex.PW2/1 and Ex.PW2/3, have been duly proved by PW-2/ASI Gurdev Singh, O/o State Vigilance, Head Quarter, Panchkula, show that he is drawing a salary of ₹ 64,247/- p.m. No evidence has been led by the appellant to substantiate her plea that the respondent was earning any additional income by way of rent etc.

In view of facts and circumstances of the case, we are of the considered opinion that the impugned order vide which the maintenance was enhanced to ₹ 15,000/- p.m. is a well reasoned one and does not warrant any interference. Consequently, the instant appeal stands dismissed.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

August 30, 2019

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No