

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

**CRM-M-77073-2018 (O&M)  
Date of Decision: 4.2.2019**

Harbhajan Singh

**.....PETITIONER(s).**

**VERSUS**

Harjinder Kaur

**.....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present: Mr. Rajesh Duhan, Advocate  
for the petitioner.  
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**RAJ SHEKHAR ATTRI, J.(Oral)**

By invoking the provisions of Section 482 of Code of Criminal Procedure, the petitioner has assailed the order dated 10.8.2018 (Annexure P-4) passed by learned Judicial Magistrate, 1<sup>st</sup> Class, Patiala whereby the application filed by the respondent under Section 128 of the Cr.P.C. was allowed.

Brief facts of the case are that initially an application under Section 125 of Cr.P.C. has been filed by the respondent wife and her minor son and they were granted maintenance @ ₹ 1400/- per month. However, the respondent wife filed an application under Section 127 of Cr.P.C. for enhancement of the maintenance which was allowed and they were granted maintenance @ ₹ 2500/- per month vide order dated 1.9.2017. Subsequently, the respondent wife filed a revision against the

said order and the wife was granted maintenance @ ₹ 2500/- per month and to the minor sons @ ₹ 1000/- each. Thereafter, vide order dated 18.5.2016, learned Judicial Magistrate, 1<sup>st</sup> Class, Patiala enhanced the amount of maintenance to ₹ 3500/- qua the respondent wife.

However, the respondent wife filed a revision against said order dated 18.5.2016 for enhancement of the amount of maintenance before the revisional court and vide order dated 6.10.2017, the revisional court has enhanced the amount of maintenance to ₹ 10,000/- per month.

Learned counsel for the petitioner has submitted that learned revisional court has failed to clear as to from which date, order dated 6.10.2017 shall come into operate.

I have heard learned counsel for the petitioner and gone through the record.

Learned Magistrate has passed the order for grant of maintenance @ ₹ 3500/- per month from the date of application. Said order was challenged in the revision petition for enhancement which was allowed in the following terms : -

“10. In view of the discussion made above, the petition in hand is partly allowed to the extent that quantum of maintenance qua petitioner is enhanced to ₹ 10,000/- per month from ₹ 3500/-....”

The petition was partly allowed to the extent that quantum of maintenance qua the petitioner is enhanced from ₹ 3500/- per month to ₹ 10,000/- per month. However, remaining part of the impugned order has

not been challenged. That means that enhanced amount shall be payable from the date of application.

Learned counsel for the petitioner has relied on the decision of this Court dated 17.4.2018 passed in CRR No.4700 of 2017. However, the facts of that case are distinguishable on facts.

In this view of the matter, this petition is devoid of merit and is hereby dismissed. However, a direction is issued to the petitioner to pay the arrears of maintenance in two instalments, i.e. first instalment be paid within 15 days and second one within one month therefrom by way of bank draft in the name of the wife or in her bank account.

**February 4, 2019**  
Paritosh Kumar

**( RAJ SHEKHAR ATTRI)**  
**JUDGE**

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|------------------------------------------|----------------------|
| <b><i>Whether speaking/reasoned:</i></b> | <b><i>Yes/No</i></b> |
| <b><i>Whether Reportable:</i></b>        | <b><i>Yes/No</i></b> |