

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

**CRM M-56139-2018 (O&M)
Date of Decision : 21.05.2019**

Ved Parkash

..... Petitioner

Versus

Mamta Rani and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Davinder Lubana, Advocate
for the petitioner.

Mr. Bikramjit Singh Bajwa, Advocate
for the respondents.

RAJ SHEKHAR ATTRI, J. (Oral)

Petitioner Ved Parkash has preferred the instant petition under Section 482 Cr.P.C. challenging the order dated 28.04.2017, passed by the learned Sub Divisional Judicial Magistrate, Giddarbaha vide which interim maintenance was granted at the rate of Rs.5,000/- per month to Smt. Mamta-respondent No.1 and Rs.2500/- per month each to respondent Nos.2 and 3 (total Rs.10,000/- to respondents) alongwith Rs.2,000/- lump sum as litigation expenses, and the order dated 03.11.2018, passed by the learned Sessions Judge, Sri Muktsar Sahib, vide which the revision petition filed by the petitioner against the aforesaid order dated 28.04.2017 was also dismissed.

It is an understood fact that the petitioner was married with Smt. Mamta Rani-respondent No.1 and out of this wedlock one daughter and one son was born, who are staying with their mother. All of them filed an application for grant of maintenance under the provisions of Section 125 Cr.P.C. and the said application was allowed vide order dated 28.04.2017, as aforesaid.

Thereafter, both the parties preferred the revision petitions, challenging the said order dated 28.04.2017. However, the said revision petitions filed by both the parties were dismissed vide judgment dated 03.11.2018, passed by the learned Sessions Judge, Sri Muktsar Sahib and the maintenance awarded to the respondents was upheld.

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

Learned counsel for the respondents has placed on record the copy of the income tax return of the petitioner from which it transpires that his total income is Rs.4,12,384/- per annum.

Apart from it, the case is at the preliminary stage. The parties have to adduce evidence. In case, it is found that the petitioner-husband has higher income, maintenance amount can be enhanced and if it is found that he has lessor income then it can be reduced as per the circumstances of the case.

In view of aforesaid discussion, this court is of the opinion that the maintenance amount awarded to the respondents is not exorbitant, rather it is appropriate as per the circumstances of the case. As such, the impugned order does not suffer from any illegality, irregularity or infirmity and the same does not call for any interference and is hereby affirmed.

Therefore, finding no merit in the instant petition, the same is dismissed.

21.05.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No