

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

CRR(F) No.236 of 2019 (O&M)
Date of Decision: January 27, 2020

Sandip Sandhi @ Sandeep Sandhi

...Petitioner

Versus

Neeraj and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bhanu Pratap Singh, Advocate
for the petitioner.

Ms. Sukhpreet Kaur, Advocate
for the respondents.

JAISHREE THAKUR, J. (Oral)

1. This is a criminal revision that has been filed seeking to challenge order dated 27.02.2019 whereby, the Principal Judge, Family Court, Hoshiarpur has allowed the petition under Section 125 Cr.P.C., granting maintenance of ₹ 15,000/- per month i.e. ₹ 10,000/- per month to respondent No.1 and ₹ 5000/- per month to respondent No.2 from the date of the petition.

2. Counsel appearing on behalf of the petitioner points out that an error has crept in while granting the maintenance. It is argued that as per the salary certificate available on record, in April 2019, the petitioner was drawing the salary of ₹ 42,613/- per month, which would be inclusive of

dearness allowance, medical allowance etc. It is argued that an amount of ₹ 13,000/- was being deducted every month towards GPF whereas, the court below has taken it as ₹ 30,000/- per month and based on said deduction, the maintenance has been enhanced to ₹ 15,000/- per month. It is further argued that the statement of witness Amit Sharma has been relied upon, who was never examined by him. It is also pointed out that respondent No.1 would not be entitled to any maintenance, as she has been gainfully employed as lady Constable with Chandigarh Police since May, 2019 and in this regard, a petition for alteration of the maintenance granted under Section 125 Cr.P.C. is already pending before the Family Court.

3. Per contra, learned counsel appearing on behalf of the respondents submits that there is no infirmity in the order so passed, since the income of the petitioner, at the present moment, is approximately ₹ 48,000/- per month and there is a minor child whose needs are to be met.

4. I have heard counsel for the parties and perused the impugned judgment of the Family Court.

5. There is a mistake that has crept in the impugned order while taking the GPF deduction of the petitioner as ₹ 30,000/- per month whereas, the salary certificate which is appended reflects that an amount of ₹ 13,000/- per month was being deducted towards GPF. The matter is already stated to be pending before the Family Court. Under these circumstances, the impugned judgment is hereby set aside. The parties are directed to appear before the Family Court at Hoshiarpur on 14.02.2020, the date on which the matter is already fixed by the court, to reassess the maintenance payable.

6. Since the maintenance has to be reassessed in totality, meanwhile, the order dated 18.09.2019 by which the salary of the petitioner stands attached, is hereby vacated.
7. The criminal revision in hand stands allowed in the above terms. Criminal misc. application bearing CRM No.14299 of 2019 for modification of order stands disposed of.

January 27, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No