

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

(1) CRM-M-361 of 2018.
Decided on:- 13.01.2020.

Sukhdev Singh.Petitioner.

Versus

Baljinder Kaur and othersRespondents.

(2) CRM-M-4219 of 2018.

Baljinder Kaur and othersPetitioners.

Versus

Sukhdev Singh.Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Kanwar Pahul Singh, Advocate
for the petitioner in CRM-M-361 of 2018 and
for the respondent in CRM-M-4219 of 2018.

Mr. Veneet Sharma, Advocate
for the respondents in CRM-M-361 of 2018 and
for the petitioners in CRM-M-4219 of 2018.

HARI PAL VERMA, J. (Oral)

This order shall dispose of the aforementioned two petitions i.e. **CRM-M-361 of 2018** titled as ***Sukhdev Singh Versus Baljinder Kaur and others*** filed by the husband and **CRM-M-4219 of 2018** titled as ***Baljinder Kaur and others Versus Sukhdev Singh*** filed by the wife and three children under Section 482 Cr.P.C. as the same have arisen against the common judgment dated 03.11.2017 passed by learned Additional Sessions Judge,

Amritsar, whereby the criminal revisions filed by both the parties against the order dated 11.11.2016 passed by learned Judicial Magistrate 1st Class, Amritsar, were dismissed, though the application under Section 5 of the Limitation Act filed by the wife and children was allowed vide separate order dated 03.11.2017.

Whereas Sukhdev Singh has challenged the order and judgment dated 03.11.2017 passed by learned Additional Sessions Judge, Amritsar as well as the order dated 11.11.2016 passed by learned Magistrate, Baljinder Kaur and minor children have challenged the judgment dated 03.11.2017 passed by learned Additional Sessions Judge, Amritsar as well as the order dated 11.11.2016 passed by learned Magistrate and have sought enhancement of maintenance amount.

However, for convenience and clarity, the detailed order is being passed in **CRM-M-361 of 2018** titled as ***Sukhdev Singh Versus Baljinder Kaur and others.***

Briefly stated, the respondents, who are the wife and minor children of the petitioner, had filed an application under Section 127 Cr.PC for enhancement of maintenance allowance from Rs.8,000/- per month to Rs.20,000/- per month before learned Judicial Magistrate 1st Class, Amritsar. The said application was allowed by learned Magistrate vide order dated 11.11.2016 and the maintenance amount of the respondents was enhanced from Rs.8,000/- per month to Rs.11,000/- per month i.e. Rs.5,000/- per month to Baljinder Kaur (wife) and Rs.2,000/- per month each to Anureet Kaur (minor daughter), Navpreet Kaur (minor daughter) and Shubam Preet Singh (minor son) from the date of the order on the ground that the respondents are

unable to maintain themselves in order to fulfil their daily necessities and the petitioner, who is husband of respondent No.1 is a Government employee serving with the Punjab Police and is getting salary more than Rs.40,000/- per month. The relevant part of the order dated 11.11.2016 passed by learned Magistrate reads as under:

“After considering the above facts and circumstances, I find merits in the submission of the ld counsel for the applicants. The respondent has not disputed that applicants No.2 to 4 are school going minor children. They require money for their education, food and medical purpose. During these days, the prices of the necessities have been increased since 2013. From the salary certificate Ex.RA of respondent, it is evident that the respondent is getting net payable salary more than Rs.33,000/-. I am of the opinion that Rs.5000/- maintenance amount awarded to applicant no.1 is sufficient amount, however the maintenance amount of Rs.1000/- awarded to applicants no.2 to 4 vide order dated 01.10.2013 is required to be enhanced by keeping in view the fact that they are school going children. I am of the opinion that Rs.2000/- is a bare amount which the respondent must pay to applicant no.2 to 4 for their maintenance. In view of the above observations and discussion, the maintenance amount of Rs.1000/- p.m. awarded to applicants no.2 to 4 vide order dated 01.10.2013 is hereby enhanced to Rs.2000/- p.m. Accordingly, the present application is allowed. The maintenance amount of applicants is hereby enhanced to Rs.11000/- (Rs.5000/- to applicant no.1 and Rs.2000/- p.m. each to applicants no.2 to 4) from the date of this order. File be consigned to the judicial record room, Amritsar, after its due compliance.”

The aforesaid order dated 11.11.2016 passed by learned Magistrate was made subject matter of challenge by both the parties before

the Court of Session. However, vide impugned judgment dated 03.11.2017, learned Additional Sessions Judge, Amritsar, while considering the net salary of the petitioner as Rs.33,682/- for the month of May, 2016, had dismissed both the revision petitions, though the application under Section 5 of the Limitation Act, 1963 filed by the respondents was allowed by learned Additional Sessions Judge, Amritsar vide separate order dated 03.11.2017.

Pursuant to the order dated December 05, 2019 passed by this Court, learned counsel for the petitioner has produced the salary certificate of petitioner Sukhdev Singh for the month of December, 2019, which is taken on record. As per the said certificate, the gross salary of the petitioner comes to Rs.57,607/- and after statutory deductions, the net salary comes to Rs.55,066/- per month.

In the case in hand, the respondents seeking enhancement of maintenance are the wife and minor children. The age of respondent No.2 Anureet Kaur is 15 years, whereas respondent No.3 Navreet Kaur is 12 years of age and respondent No.4 Shubham Preet Singh is 11 years of age. They are at crucial stage of their schooling.

Considering the net salary of petitioner Sukhdev Singh as Rs.55,066/- per month as per the salary certificate and noticing the fact that he is staying with his younger brother, who is unmarried and the land holding is not big enough, this Court finds that the claim of the respondents filed under Section 127 Cr.PC, whereby they have been granted Rs.11,000/- per month is required to be modified in the light of latest salary certificate.

Accordingly, respondent No.1 (wife) is granted maintenance @ Rs.8,000/- per month, whereas respondents No.2 to 4 (minor children) are

granted maintenance @ Rs.4,000/- per month each from the month of January, 2019.

This cut off date from the month of January, 2019 has been fixed on the basis of the offer made by learned counsel for petitioner Sukhdev Singh, which has been accepted by learned counsel for the respondents. Thus, it being a conceded cut off date, the respondents shall be entitled to maintenance @ Rs.20,000/- per month from the month of January, 2019.

With the above modification in the maintenance granted by learned Magistrate and upheld by the revisionary Court, the present petition filed by petitioner Sukhdev Singh is hereby dismissed, whereas the petition filed by the respondent-wife and her minor children is hereby accepted.

Photocopy of this order be placed on the file of other connected case.

January 13, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No