

CRR(F)-426-2017

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

Date of decision: 19.02.2020

CRR(F)-426-2017 (O&M)

Amrik Singh Petitioner

Versus

Kirandeep Kaur Respondent

CRR(F)-489-2017 (O&M)

Kirandeep Kaur Petitioner

Versus

Amrik Singh Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jashanpreet Singh, Advocate for
Mr. Tejinder Pal Singh, Advocate
for the petitioner in CRR(F)-426-2017 and
for the respondent in CRR(F)-489-2017.

Mr. Vijay Lath, Advocate
for the respondent in CRR(F)-426-2017 and
for the petitioner in CRR(F)-489-2017.

Manjari Nehru Kaul, J.(Oral)

This order will dispose of two criminal revision petitions i.e. CRR(F)-426 and 489-2017 as both of them have been filed against the order dated 06.12.2016 passed by District Judge, Family Court, SBS Nagar vide which the respondent-wife was awarded maintenance of Rs.7,500/- per month. Brief facts of the case are taken from CRR(F)-489-2017.

Instant petition has been preferred against the order dated 06.12.2016 passed by District Judge, Family Court, SBS Nagar in the petition

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under Section 125 Cr.PC vide which the respondent-husband was directed to pay Rs.7,500/- per month as maintenance to the petitioner-wife.

Learned counsel for the petitioner-wife has urged that the Court below gravely erred in awarding a meagre sum of Rs.7,500/- per month as maintenance to the petitioner despite the fact that the respondent-husband is a regular employee of the Punjab Government and serving as an Inspector in the Transport Department where he is drawing a salary of more than Rs.40,000/- per month. It has been further submitted that besides this, the respondent-husband also has immovable property in his name which clearly reflects that the respondent-husband is a man of sufficient and good means. On the other hand, the petitioner is totally dependent on her old parents and has no source of income to maintain herself. Hence, it is vehemently urged by the learned counsel for the petitioner that the amount awarded as maintenance be enhanced accordingly as the petitioner-wife is entitled to the same status and life-style, which she was enjoying before being deserted by the respondent-husband.

Learned counsel for the respondent-husband has vehemently opposed the submissions made by the learned counsel for the petitioner. He submits that the petitioner is in fact an education lady and earning a substantial sum of money every month as a teacher. He has rather alleged that it was the petitioner, who had walked out of the matrimonial home and is guilty of neglecting him.

I have heard learned counsel for the parties and gone through the impugned order as well as other evidence available on record.

Admittedly, the respondent-husband is a government employee and is working as an Inspector in Transport Department. The respondent-

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husband has not been able to prove the income of the petitioner-wife by way of any documentary evidence. It has remained a bald averment on his part. The amount of Rs.7,500/- per month awarded by the Court below in the considered opinion of this Court is very meagre and insufficient for the petitioner to sustain herself. She cannot be left to the mercy of her old parents. It is obligatory on the part of the respondent-husband to maintain his wife for which he cannot escape his liability under Section 125 Cr.PC. Hence, the amount of maintenance i.e. Rs.7,500/- per month awarded to the petitioner-wife is enhanced to Rs.10,000/- per month to enable her to live a life of dignity.

As a sequel to the above, the impugned order passed by the Court below is set aside and the amount of maintenance is enhanced from Rs.7,500/- per month to Rs.10,000/- per month. Accordingly, the petition filed by the respondent-husband stands dismissed while the petition filed by the petitioner-wife stands allowed.

19.02.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes
Yes