

106.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-1085-2019 (O&M)

Date of decision: 21.01.2020.

SHASHI PAL SHARMA

.... Petitioner

versus

SONIA SHARMA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Dinesh Nagar, Advocate, for the applicant-petitioner.

HARI PAL VERMA, J.(Oral)

CRM-1554-2020

Prayer in this application filed under Section 482 Cr.P.C. is to place on record the income tax return of the petitioner for the assessment year 2018-19 (Annexure P-1).

For the reasons stated in the application, same is allowed and the document Annexure P-1 is taken on record, subject to all just exceptions.

CRR(F)-1085-2019

Petitioner-husband has filed the present revision petition against the order dated 19.11.2019 passed by the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar, whereby on an application filed by the respondent-wife under Section 127 Cr.P.C., the learned Family Court has awarded maintenance to the respondent @ Rs.5,000/- per month w.e.f. 09.03.2018 i.e. the date on which the application was filed.

Learned counsel for the petitioner has argued that the income tax return submitted by the petitioner shows his gross total income. In this ITR, his day-to-day and other allied expenses have not been deducted. The

learned Family Court has awarded maintenance without deducting his expenses. He further states that vide order dated 11.01.2017, the respondent was granted maintenance @ Rs.3,000/- per month in proceedings under Section 125 Cr.P.C. which was enhanced with the consent of both the parties to Rs.3,500/- per month. The respondent is running a boutique and also giving tuitions to children, thereby earning Rs.15,000/- per month, whereas the petitioner is an employee in a shop and is getting remuneration @ Rs.7,000/- per month. The petitioner is already paying maintenance to the respondent @ Rs.3,500/- per month regularly.

I have heard learned counsel for the petitioner.

Vide order dated 11.01.2017 on an application filed by the respondent, she was awarded maintenance @ Rs.3,000/- per month. Now, considering the income of the petitioner i.e. his gross income of about Rs.3 lacs, even if it is presumed that the petitioner has submitted the actual income, still his income comes to Rs.25,000/- per month, whereas the awarded maintenance is only Rs.5,000/- per month.

In view of above, this Court does not find any illegality in the order passed by the learned Family Court and accordingly, the present petition is dismissed.

(HARI PAL VERMA)
JUDGE

21.01.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No