

CRM-M-10462-2021

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

CRM-M-10462-2021

Date of decision: 28.04.2021

Anita Rani

...Petitioner

Versus

Naresh Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Krishan Kanha, Advocate for
Mr. Narinder S. Lucky, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Petitioner impugns the judgment dated 12.03.2020 (Annexure P-4) passed by the learned Additional Sessions Judge, Patiala, whereby revision filed by the petitioner against the order dated 04.09.2017 passed by the then learned JMIC, Rajpura, on a petition under Section 127 Cr.P.C., has been dismissed.

The revision petitioner is the wife, and the only respondent in this revision, is her husband.

The background of the case is to the effect that the parties were married on 07.02.1999 and out of the said wedlock, two children were born. However due to some differences, some matrimonial dispute arose between the parties and ultimately, the respondent had obtained the divorce

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from the petitioner vide judgment dated 17.03.2008 passed by the learned Additional District Judge, Kurukshetra. In those proceedings, the petitioner did not appear before the concerned Court. Thereafter, she had moved an application under Order 9 Rule 13 CPC for setting aside the decree dated 17.03.2008, which was dismissed on 26.11.2010.

Initially in a petition under Section 125 Cr.P.C., filed by the petitioner-wife, maintenance @ Rs.6,000/- per month was allowed to her alongwith Rs.5,000/- as litigation expenses, vide order dated 23.08.2012. Subsequently, on 24.09.2013, the petitioner filed an application under Section 127 Cr.P.C, seeking enhancement of the maintenance allowed to her. After perusing the evidence and hearing the learned counsel for both the parties, the learned Magistrate, vide order dated 04.09.2017, found the petitioner entitled to the enhancement of maintenance by Rs.1,000/- and thus, held that the respondent was liable to pay Rs.7,000/- per month as maintenance to the petitioner, from the date of the petition.

Being dissatisfied and aggrieved against the order dated 04.09.2017, the petitioner filed a revision before the learned Additional Sessions Judge, Patiala, who dismissed the same vide impugned order dated 12.03.2020.

Learned counsel for the petitioner contends that the respondent is working as an Assistant in DEE at Kurukshetra University and is earning an handsome income. Although both the sons of the couple are residing with the respondent-husband yet they are earning-hands and being major, they are doing their respectable jobs. It is also contended that the mother of the respondent is also getting pension. It is also contended that in August,

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2016, the gross salary of the respondent was Rs.54,727/-, but the courts below have enhanced the maintenance from Rs.6000/- to Rs.7000/- only i.e. very meagre enhancement and even the same has not been paid till date. It is also contended that even the salary of the respondent stands increased over the period of time.

I have heard the learned counsel for the parties.

It is noted in the impugned order that in the month of August, 2016, the gross salary of the respondent was Rs.54,727/- out of which, apart from standard deductions of GPF, APF, LIC, deductions by way of recovery of PF loan, House Building loan, computer loan, vehicle loan, wheat loan were being made, and the carry home salary of the respondent was Rs.27011/-, payable in September, 2016. The learned Additional Sessions Judge, Patiala, dismissed the revision of the petitioner by noticing that the amount of maintenance allowed to the petitioner i.e. Rs.7,000/- per month, is found to be sufficient for the petitioner as the contribution of husband towards maintenance of the wife, who herself being an able bodied active participant in politics and well qualified is expected to work for her own maintenance as well.

In view of the above, I do not find any merit in the present petition. Hence the same is dismissed.

28.04.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No