

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

CRR(F)-78-2021

Date of Decision: 04.03.2021

Jasvir Singh

...Petitioner

Versus

Baljit Kaur & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Arnav Sood, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging the order dated 28.02.2020, whereby the learned Principal Judge, Family Court, Hoshiarpur, while deciding a petition filed by the respondent/s under Section 125 Cr.P.C., has awarded maintenance to respondent No.1/wife at the rate of Rs.10,000/- per month and another Rs.10,000/- per month to respondent No.2/minor son of the petitioner.
2. Learned counsel for the petitioner has submitted that since respondent No.1/wife is herself getting the family pension to the tune of Rs.13,000/- per month on account of death of her previous husband and in fact she had received pension to the tune of Rs.18,000/- in the month of January, 2020, the maintenance as awarded by the learned Principal Judge, Family Court, Hoshiarpur at the rate of Rs.20,000/- per month i.e. Rs.10,000/- to respondent No.1/wife and Rs.10,000/- to respondent No.2/minor son of the

petitioner, is rather on the higher side keeping in view the fact that the salary of the petitioner as per his salary certificate produced before the Court below was Rs.40,000/- only and that petitioner is also looking after his aged parents, who are residing with him.

3. I have considered the aforesaid submissions.
4. A perusal of the impugned order would show that the Family Court had noticed the fact that respondent No.1/wife was getting family pension on account of death of her previous husband. As per the statement of accounts produced on record, an amount of Rs.12,978/- was credited as family pension for the month of November, 2019. In the month of December, 2019, an amount of Rs.13,135/- was credited and in the month of January, 2020, an amount of Rs.18,356/- was credited. The increase of Rs.5000/- approximately in family pension in the month of January, 2020 could possibly be on account of credit of some arrears of DA etc. Nothing has been brought on record to show it is the family pension itself which had increased to Rs.18,000/- approximately in January, 2020. Although the monthly salary of the petitioner, who is serving as Assistant Sub Inspector in Punjab Police, has been taken to Rs.40,000/- per month, but the learned counsel has fairly referred to the pay slip for the month of April, 2020, wherein after deductions, the salary of the petitioner works out to Rs.49,834/-.
5. In view of the aforestated position, this Court finds that the maintenance as awarded by the learned Principal Judge, Family Court, Hoshiarpur at the rate of Rs.10,000/- per month to respondent No.1/wife and Rs.10,000/- to respondent No.2/minor

son of the petitioner cannot be said to be on the higher side. The
impugned order does not suffer from any infirmity.

6. The petition is sans merit and is hereby dismissed.

04.03.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**