

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

CRR (F)-104 of 2021

Date of Decision: 18.03.2021

Tek Ram

Petitioner

Versus

Mahendro Devi

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J. S. Saneta, Advocate for the petitioner.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This revision petition is filed being aggrieved of enhancement of maintenance under Section 125 Cr.P.C. from Rs.5,000/- to Rs.9,000/- per month.

A 75 years old husband and 67 years old wife, due to differences are living separately. An application under Section 125 Cr.P.C. was filed for maintenance, same was allowed on 28.8.2014 whereby the husband was directed to pay Rs.5,000/- per month. Enhancement of maintenance was sought on the basis that the pension of petitioner was revised.

The enhancement was opposed stating that the wife is getting old age pension, she is having agriculture land and is keeping buffaloes.

Reliance was placed on her cross-examination to fortify that she was getting old age pension of Rs.2,000/-per month and that pension has been increased by Rs.200/- per year. Further to show that wife was having agricultural income.

Learned counsel for the petitioner challenges enhancement stating that the respondent is residing in the house belonging to the petitioner whereas he is staying with his sister.

Learned counsel for the petitioner was not in a position to dispute the fact that the petitioner is now getting pension of more than Rs.50,000/- per month. The contention that the respondent is having agricultural income to sustain herself is misconceived. In cross-examination it was specifically stated that she had no agricultural land and the land was transferred in the name of family members of her husband.

The argument that the respondent must be having agricultural income is a mere presumption. Considering age of wife, the old age pension of Rs.2,000/- per month would not be enough even to meet her medical expenses. She is suffering from problem in her ears and is having knee pain. Considering the pension petitioner is getting, maintenance of Rs. 9,000/- per month given to the wife cannot be concluded to be on higher side.

No interference is called for in the impugned order.

The revision petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

18th March, 2021
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1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes