

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

Sr. No.231

CRR(F)-348-2020

Date of decision: 18.04.2022

Preeti Rani and others

....Petitioners

Versus

Naresh Kumar @ Vicky

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vivek Khatri, Advocate, for the petitioners.

* * *

DEEPAK SIBAL, J. (Oral)

Petitioner No.1 got married to the respondent on 16.02.2010. Out of the wedlock, three children were born. According to petitioner No.1, her parents had spent huge amount on her marriage and given sufficient dowry articles to the respondent and his family members but the respondent and his family members remain unhappy and demanded more dowry. When the respondent's demand remain unfulfilled, petitioner No.1 was tortured and then forced out of her matrimonial home. In these circumstances, she filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short – the D.V. Act) and also lodged a criminal case under Section 498-A and 406 IPC. The respondent assured to pay to petitioner No.1 Rs.20,000/- per month as maintenance and on the basis of such statement her petition under the D.V. Act was dismissed and the FIR got lodged by her was also cancelled. However, the respondent did not live up to his assurance. Rather, he developed illicit relations with one Hemlata and continued to torture petitioner No.1. It in these circumstances, the petitioner filed a petition under Section 125 Cr.P.C. in which she claimed maintenance for herself and her children.

The Trial Court came to the conclusion that the respondent was serving as a Sales Manager with Mahindra and Mahindra Finance Company Limited (for short – the Company) and was earning Rs.44,000/- per month and that he was also having pre-existing right in agricultural land owned by his father. Therefore, the petitioners were awarded a cumulative

amount of Rs.20,000/- per month towards maintenance. The petitioners being not satisfied with the grant of such maintenance have preferred the present petition.

Learned counsel for the petitioner submits that after the Trial Court had concluded that the respondent's monthly salary was Rs.44,000/- and that he also was having pre-existing right in agricultural property, the Trial Court should have awarded maintenance more than @ Rs.20,000/- per month to the petitioner and three minor children.

The respondent's pay slip was duly proved before the Trial Court as per which he was working as a Sales Manager in the Company and was getting a monthly salary @ Rs.44,000/-. Though, it was also proved before the Trial Court that the respondent was having a pre-existing right in agricultural land owned by his father, nothing was proved as to the income being derived by the respondent from such agricultural land.

That being so, the award of Rs.20,000/- per month to the petitioners as maintenance is found to be reasonable especially when it is not disputed that petitioner No.1 is herself a practicing Advocate in the District Courts at Hansi.

April 18, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No