

CRM-18043-2022 in/and
CRR(F)-30-2022
Date of decision: 13.05.2022

ASHOK KUMAR

...APPLICANT/PETITIONER

VERSUS

SHARDA RANI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Pankaj Mohan Kansal, Advocate
for the petitioner.

VIVEK PURI, J. (ORAL)CRM-18043-2022

This is an application for placing on record the letter dated 29.04.2020 as Annexure P-3 depicting the detail of his retiral benefits.

CRM application is disposed of and Annexure P-3 is taken on record.

Registry to tag the same at the appropriate place.

Main case

The petitioner has impugned the order dated 07.12.2021 passed by the Court of learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri vide which the maintenance awarded to the respondent has been enhanced to Rs. 4500/- per month.

Initially, in terms of order dated 17.05.2012, maintenance @ Rs. 2500/- was awarded to the respondent. Subsequently, on a petition under Section 127 Cr.P.C, the amount has been enhanced to Rs. 4500/- per month.

Learned counsel for the petitioner has argued that the petitioner has retired from Indian Railways and has responsibility of 06 other family members.

On a query, it has been stated that the other family members are two sons, two daughters-in-law and two grand children. It has not been disputed that

the sons of the petitioner are aged more than 18 years and are also earning. In such circumstances, the claim of the respondent for maintenance cannot be disputed on the score that the petitioner has any other liability. The certificate Annexure P-3 indicates that the petitioner is drawing pension to the tune of Rs. 20,800/- per month. Besides he has also received the amount to the tune of Rs. 4,86,720/-, Rs.2,14,566/-, Rs.8,18,089/- and Rs.7,42,248/- on account of leave encashment, provident fund, commutation and death-cum-retirement gratuity respectively. The relationship between the parties has not been disputed

Keeping in view the amount of pension being received by the petitioner and the other retiral benefits, the amount of Rs. 4500/- as awarded by the trial Court by no stretch of imagination can be termed to be excessive or on higher side. The respondent being wife of the petitioner is entitled to the maintenance which is commensurate with the status and income of the petitioner.

In view of the above, the present petition is dismissed.

13.05.2022
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(VIVEK PURI)
JUDGE

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