

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

CRM-M-8595-2022

Date of decision : 28.02.2022

Pala Singh**..... Petitioner****versus****Jarnail Kaur****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Pankaj Garg, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 14.03.2017 passed by the learned Additional Chief Judicial Magistrate, Mansa and order dated 28.09.2021 passed by the learned Sessions Judge, Mansa enhancing the amount of maintenance from Rs.2,000/- per month granted by learned Magistrate to Rs.4,000/- per month to the respondent-wife.

It has been contended by counsel for the petitioner that both the Courts have fallen in error in passing the impugned orders and hence, the same deserve to be quashed. He submits that the relationship between the petitioner and the respondent is admitted. As per the facts of the case, respondent-wife filed an application under Section 127 Cr.P.C. for enhancement of maintenance. On 31.08.2010, maintenance of Rs.400/- per month was enhanced to Rs.1,200/- per month by the Court of learned Judicial Magistrate, Mansa. After the lapse of 5 years thereon, the respondent-wife filed another application under Section 127 Cr.P.C. for enhancing the same to the tune of Rs.5,000/- per month as during these

five years, the prices of all the essential commodities had increased exorbitantly. On issuance of the notice, the petitioner resisted the same. However, after hearing counsel for the parties, learned Additional Chief Judicial Magistrate, Mansa allowed the petition filed by the respondent-wife by enhancing the same from Rs.1200/- per month to Rs.2,000/- per month. Dissatisfied with the view taken by learned ACJM, Mansa, the respondent-wife preferred the criminal revision against the order dated 14.03.2017 praying for enhancing the same to the tune of Rs.5,000/- per month as prayed for. Learned Sessions Judge heard both the parties, found the enhancement to the tune of Rs.2000/- per month granted by the ACJM as insufficient and further, enhanced the same to the tune of Rs.4000/- per month vide impugned order dated 28.09.2021.

Petitioner being aggrieved by both these orders, filed the present petition.

The only argument raised by counsel for the petitioner is that the petitioner is a senior citizen of 73 years of age and his only source of income is Senior Citizen Pension. He submits that the view taken by the Courts below is unsustainable in the eyes of law.

I have heard counsel for the petitioner and perused the record.

As per arguments raised by counsel for the petitioner and from perusal of record of this case, it is evident that the relationship between the petitioner and the respondent is not in dispute. The respondent-wife was granted maintenance of Rs.400/- per month on 31.08.2010 which was enhanced to Rs.1200/- per month. Thereafter, on appreciation of the attending circumstances, the Court accepted the

petition filed by the respondent-wife under Section 127 Cr.P.C. and enhanced the same to the tune of Rs.2000/- per month. In revision preferred by the respondent-wife the same was further enhanced to Rs.4000/- per month.

In view of the attending facts and circumstances and the law settled by the Hon'ble Supreme Court in Rajnish Vs. Neha, (2021) 2 SCC 324, the petitioner cannot wriggle out of the responsibility of maintaining the respondent-wife. The amount of Rs.4,000/- per month enhanced by the learned Sessions Judge cannot be said to be an amount on higher side keeping in view the hike in the price of essential commodities. This Court finds no infirmity in the conclusion arrived at by both the Courts below.

The petition being devoid of any merits, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

28.02.2022
m.sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No