

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

CRM-M-16912-2022

Date of Decision: 25.4.2022

Satnam Singh

..... Petitioner

Versus

Manjit Kaur and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mitul Singh Rana, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court impugning the order dated 19.1.2022 passed by the revisional Court of Additional Sessions Judge, Hoshiarpur, whereby, revision filed by the respondents for enhancement of maintenance was accepted.

Learned counsel for the petitioner has contended that the revisional Court has passed *ex parte* impugned order without following the law settled and the legal procedure, which is unsustainable in the eyes of law. He submits that the marriage of the petitioner was solemnized with respondent No.1 on 17.2.2013. Out of the wedlock one son i.e. respondent No.2 was born. Due to the matrimonial discord, the respondent-wife alongwith the minor left the matrimonial home. She filed petition under Section 125 Cr.P.C. for grant of maintenance. The JMJC, Mukerian granted maintenance of Rs.1,000/- per month to respondent-wife and Rs.500/- to the respondent-minor vide order dated 3.6.2015. In the changed circumstances, the respondents (wife and the minor son) filed revision petition in the Court of learned Additional Sessions Judge, Hoshiarpur praying for enhancement of maintenance granted by the learned Magistrate vide order dated 3.6.2015. He contends that the revisional Court has not appreciated the fact that the revision filed after 4 years and passed the *ex parte* impugned order dated

19.1.2022. He submits that there is a procedural illegality in adjudicating the revision filed. He submits that the learned Family Court had already come into existence in the State of Punjab and therefore, the Court of Additional Sessions Judge lacks the jurisdiction in accepting the revision filed by the respondents. He submits that in view of the same, the view of the revisional Court in enhancing the maintenance awarded from Rs.1,000/- per month to Rs.2,000/- per month to respondent No.1 and from Rs.500/- per month to Rs.1,500/- per month to respondent No.2 is unsustainable in the eyes of law and thus, deserves to be set aside.

Heard learned counsel for the petitioner and perused the record.

The precise submission of learned counsel for the petitioner pertains to the procedure adopted by the revisional Court. It is settled provision of law that the proceedings under Section 125 Cr.P.C. are summary in nature. The maintenance granted to the aggrieved wife, minor, parents etc. is to provide them the immediate relief for their survival. The provisions of maintenance are to prevent the destitution and vagrancy. The arguments raised by learned counsel for the petitioner are hyper technical and the same are not sufficient enough to upset the conclusion arrived by the revisional Court. In the overall facts and circumstances, this Court finds no infirmity in the order passed by the learned Addl. Sessions Judge, thus, the petition being devoid of any merit, is hereby dismissed.

25.4.2022

sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE