

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

(114)

**CRR(F)-736-2022 (O&M)
DATE OF DECISION:- 26.08.2022**

PREMWATI

...PETITIONER

VERSUS

PRAHLAD

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Bhisham Kumar, Advocate for the applicant-petitioner.

SUVIR SEHGAL, J. (ORAL)

CRM-31061-2022

Application is allowed as prayed for.

Main case

Instant revision petition has been filed by the wife-petitioner seeking modification of order dated 08.08.2022 passed by the Family Court, Palwal, whereby monthly maintenance of Rs.350/- has been enhanced to Rs.2,500/- from the date of filing of the petition under Section 127 of the Code of Criminal Procedure, 1973 (for short “the Code”).

Heard counsel for the petitioner.

Petitioner was married to the respondent in the year 1977 and they have two sons, both of whom are grown up and married. It has come on the record that the petitioner is separate in residence from the respondent and the reason for separation is because the respondent is in a live-in-relationship with Smt. Kanta, a widow, since the year 1988.

Petitioner has filed a Criminal Complaint against the respondent and Smt. Kanta under Sections 494, 420, 506 and 120-B of the Indian Penal Code, 1860, which is pending. Petitioner has claimed that respondent had assured that he will pay her a monthly allowance of Rs.7,000/-, but she has failed to establish this fact in her evidence. Although, she has claimed that the respondent, who is serving as a Khalasi in DDA, New Delhi, is drawing a salary of Rs.34,826/- per month, but the respondent in his cross-examination has stated that he is 66 years of age and has retired from service. He has admitted his monthly pension to be Rs.13,000/-. Petitioner is 52 years of age and monthly maintenance awarded to her has been enhanced to Rs.2,500/- vide order under challenge, keeping in view the emoluments of the respondent.

Considering the fact that the respondent has limited means and as per the evidence, which has come on the record, he is drawing pension, this Court is of the view that the enhancement ordered by the Family Court is adequate.

There is illegality or infirmity in the order passed by the Court below.

No interference is called for in the exercise of revisional jurisdiction.

Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

26.08.2022
Kamal

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