

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

128

CRM-M-42594-2022
Date of decision :-16.09.2022

Baldev Singh

...Petitioner

Versus

Parminder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. K.S.Godara, Advocate for the petitioner.

SUVIR SEHGAL, J.

By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”), the petitioner seeks setting aside of order dated 20.01.2017, Annexure P-1, passed by learned SDJM, Gidderbaha and order dated 16.02.2019, Annexure P-3, passed by learned Sessions Judge, Sri Muktsar Sahib, vide which application filed by the respondent under Section 127 of the Code has been allowed by enhancing the monthly maintenance amount from Rs.500/- to Rs.5000/-.

Heard counsel for the petitioner.

Indisputably, the respondent is the ex-wife of the petitioner and they had divorced each other more than a decade and a half earlier. Although petitioner has remarried but the respondent continues to be single. Explanation (b) to Section 125 (1) of the Code provides that expression

“wife” includes a woman, who has been divorced by, or has obtained divorce from, her husband and has not remarried. They had a son, who unfortunately expired before attaining the age of majority. Vide order dated 02.08.1995, respondent was awarded a monthly allowance of Rs.300/- under Section 125 of the Code which was enhanced to Rs.500/- by order dated 14.08.2003. The cost of essentials and expenditure on basic living has increased manifold in the last two decades. Respondent has led evidence justifying the change in circumstances necessitating the enhancement of the maintenance amount. On the other hand, the petitioner has failed to lead any evidence despite numerous opportunities. It is on record that the respondent was earning a basic pay of Rs.30,000/- per month in 2014. Mere fact that he has a family to support will not absolve him from his statutory duty to give maintenance to his ex-wife. Further the petitioner has not assigned any reason for not having assailed order, Annexure P-3, for three years. There is no illegality or irregularity in the orders passed by the Courts below.

Petition being devoid of merit, is hereby dismissed.

16.09.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No