

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

108

CRR(F)-75-2023 (O&M)
Date of decision: 21.11.2023

Narender @ Narender Singh**...Petitioner**

Versus

Geeta and another**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ashish Gupta, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant revision petition has been filed by the petitioner challenging the order dated 19.11.2022, passed by the learned Additional Principal Judge, Family Court, Faridabad (*for short 'Family Court'*), in maintenance petition No. MNT-481-2017, titled as “***Smt. Geeta and another vs. Narender***”, filed under Section 127(1) Cr.P.C., whereby the said petition was partly allowed and the amount of maintenance, as already granted to the respondent No. 2, was enhanced to the tune of Rs. 15,000/- per month from Rs. 5,000/-.

2. Brief facts of the case relevant for the purpose of disposal of the present case are that the respondents, who are wife and minor child, respectively, of the petitioner, had filed a petition for grant of maintenance in the year 2011. The said petition was allowed on 17.03.2016 by the Family Court and maintenance to the tune of Rs. 10,000/- per month to respondent No. 1 and Rs. 5,000/- per month to respondent No. 2 was ordered to be granted. Thereafter, the respondents filed aforesaid petition in

2017 under Section 127(1) Cr.P.C. for making alteration/modification in the maintenance allowance so awarded to them by order dated 17.03.2016. The said petition was partly allowed by the Family Court by passing the impugned order dated 19.11.2022. A copy of the order dated 19.11.2022 has been placed on record, which reflects that the abovesaid petition had been duly contested by the present petitioner. The Family Court had considered that fact that respondent No. 2 was studying in Modern Delhi Public School, Faridabad and his tuition fee had been increased from Rs. 17,900/- to Rs. 28,325/- for every quarter and his annual fee was Rs. 1,11,500/-. The parties were given opportunities to lead evidence. The Family Court, while passing the impugned order, has considered this fact as well as the fact that respondent No. 2 was a growing child and his needs for nourishing diet, clothing, medical expenses and education etc. were to be taken care of. While further considering the fact that at the time of directing the petitioner to pay maintenance, vide order dated 17.03.2016, he was serving as an Assistant Professor in a private college and his income was Rs. 38,000/- per month, whereas now he had been appointed as a Teacher in a Govt. School and his monthly income had increased to Rs. 52,000/- and further that besides this, he was taking tuitions and earning money, the Family Court had increased the amount of maintenance granted to respondent No. 2 from Rs. 5,000/- to Rs. 15,000/-.

3. It is also revealed from a perusal of the impugned order that no increase or alteration was made by the Family Court in the amount of maintenance, which was already granted to respondent No. 1 by observing that she was earning a salary of Rs. 21,000/- per month. As such, it emerges

that it was only in case of the minor respondent No. 2, who is son of the petitioner, that the monthly maintenance allowance was enhanced from Rs. 5,000/- to Rs. 15,000/-.

4. I have heard learned counsel for the petitioner and have gone through the material placed on record very carefully.

5. The order, granting maintenance to the tune of Rs. 5,000/- to respondent No. 2, was passed on 17.03.2016. A period of more than seven years has passed since then. Ofcourse, there is remarkable increase in the price index as well as tuition fee etc. from the year 2016. It is not disputed that the income of the petitioner has also increased thereafter. Due to escalation in the school fee and other expenses, respondent No. 2, who is minor, ofcourse requires enhancement in the maintenance so granted to him as he needs to pay the increased school fee. The enhancement so ordered by the Family Court cannot be said to be excessive, rather, the same is quite moderate and appropriate. If the petitioner is earning enough and is in a position to support himself, he is under the legal obligation to support his wife and children as well.

6. Taking all the aforesaid factors into consideration, this Court is of the opinion that amount of maintenance of Rs. 15,000/- per month, which was directed to be paid by the petitioner to respondent No. 2 by way of enhanced maintenance, is quite appropriate and the impugned order, passed by the Family Court, does not require any interference by this Court. As such, finding no merit in the present, the same is dismissed.

21.11.2023

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

**(MANISHA BATRA)
JUDGE**

*Yes/No
Yes/No*