

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 29151/2019

Date of decision: 06.07.2023.

Harpreet Kaur

.....Petitioner

Vs.

Onkar Singh

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. S.K.Singla, Advocate for the petitioner

Nidhi Gupta, J.

By way of present petition under Section 482 of Code of Criminal Procedure, 1973 petitioner seeks quashing/setting aside of the judgment dated 5.12.2018 (Annexure P-2) passed by Ld. Sessions Judge, Sangrur modifying the order dated 16.2.2018 passed by the Ld. JMIC, Malerkotla (Annexure P-1) and reducing the maintenance granted to the petitioner from Rs.8000/- per month to Rs.5000/- per month.

It is submitted by the ld. counsel for the petitioner that the Ld. lower Appellate Court is in grave error in reducing the maintenance as respondent husband owns 35 bighas of agriculture land and has annual income of Rs.10 lacs besides running a dairy farm and earning Rs.50,000/- per month therefrom. It is submitted that on the other hand the petitioner has no source of income and is fully dependent on her parents, but the appellate Court has ignored the above said facts.

Heard ld. counsel.

Perusal of the record of the case shows that the respondent does in fact have substantial agriculture land in his name. It has been recorded in the impugned order that the respondent is exclusive owner in possession of 35 bighas 16 biswas of land, and has half share in about 20 bighas 09 biswas of land. However, the petitioner was unable to prove the alleged income of the respondent. It is further borne out from the impugned order that the respondent is burdened with the responsibility of other members in his family namely widowed mother and two minor school going children i.e. daughter Komalpreet Kaur from his first marriage and son Gurvir Singh from his second marriage with the petitioner. It has been recorded in the impugned order that the petitioner in her cross examination as AW1 has admitted that respondent is looking after the children very well and providing them with good education in a good school and all other facilities.

Ld. counsel for the petitioner is unable to controvert the above said facts.

In this view of the matter, no ground to interfere with the impugned order is made out.

Dismissed.

06.07.2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No