

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR-F-108-2022 (O&M)****Date of decision: 17.07.2023****Gautam Parkash****...Petitioner(s)****Vs.****Vikash Kumari & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Yashasvi Kapila, Advocate
for the petitioner.*********NIDHI GUPTA, J.**

Present Revision Petition has been filed by the husband against impugned order dated 21.01.2022 passed by learned Principal Judge, Family Court, Bhiwani, whereby application under Section 127 of Code of Criminal Procedure (hereinafter referred to as the Cr.P.C.) filed by the respondents herein seeking enhancement of maintenance has been allowed, and respondents have been held entitled to Rs.16,000/- per month as maintenance (Rs.10,000/- for respondent No.1 and Rs.6,000/- for respondent No.2).

2. Learned counsel for the petitioner inter alia submits that the learned District Judge, Family Court, Bhiwani vide order dated 09.02.2012 had granted Rs.8,500/- per month (Rs.5,000/- to respondent No.1 and Rs.3,500/- to respondent No.2) as maintenance. It is submitted that vide the impugned order, the learned Court below has enhanced the maintenance almost two-fold. It is submitted that respondent No.1 had

left the company of the petitioner of her own accord and had taken the minor child along with her. It is further submitted that the respondents are residing in the ancestral house of the petitioner whereas the petitioner himself is living in rented accommodation. It is submitted that respondent No.1 was also in an illicit relationship with the cousin of the petitioner. It is prayed that accordingly, the impugned order be set aside.

3. I have heard learned counsel for the petitioner.

4. The relationship between the parties is admitted. Perusal of record of the case shows that the petitioner is employed as a Government JBT Teacher and since August, 2019, the petitioner is drawing a salary of Rs.69,280/- per month. It is not disputed that at the time of filing of petition under Section 125 Cr.P.C. by the respondents herein, the petitioner was drawing a salary of Rs.63,140/- per month. However, in the interregnum, his salary has increased to Rs.69,280/- per month whereas admittedly, the respondents have no source of income.

5. It is in this view of the changed circumstances that the learned Court below, vide the impugned order, has enhanced the maintenance awarded to the respondents as above. Whilst granting maintenance as above, learned Court below has placed reliance upon judgment of the Hon'ble Supreme Court in **Kalyan Dey Chaudhary Vs. Rita Dey Chaudhary 2017 (14) SCC Page 200**, wherein it has been held that 25% of the husband's net salary would constitute just and proper maintenance for the wife. Moreover, Respondent No.2 is 13 years of age

at present and needless to say, in time, expense on her education will increase.

6. Accordingly, in view of the facts and circumstances, as noticed, here in above, I find no error in the impugned order. Present Revision Petition therefore, stands **dismissed**.

7. Pending application(s) if any, also stand(s) disposed of.

17.07.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No