

In the High Court of Punjab and Haryana at Chandigarh

115

CRR-697 of 2023

Date of Decision: 16.03.2023

Rajni Lingwal

---Petitioner

versus

Deepak Lingwal and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Saurabh Singla, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition is seeking setting aside of order dated 07.01.2023 whereby Additional Sessions Judge, (Fast Track Special Court), Kurukshetra has dismissed appeal of the petitioner filed against order dated 4.7.2022 passed by JMIC, Kurukshetra allowing maintenance of Rs. 8000/- per month to the petitioner.

The brief facts emerging from record are that marriage of the petitioner was solemnized with respondent No. 1 on 12.10.1994. They were blessed with two children i.e. one daughter and one son. For the reasons best known to the parties, couple could not enjoy the fruits of marriage tree and they parted their ways. Both the children were staying with the respondent herein. The daughter has got married and son is studying abroad. The cost of marriage of the daughter and study of son is born by the respondent. The petitioner preferred application under Section 12 of Protection of Women from Domestic Violence Act, 2005 (for short "D.V.Act") before Magistrate seeking maintenance. The Magistrate in terms of Section 12 read with

23 of D.V.Act granted interim maintenance of Rs. 8,000/- per month.

Being dissatisfied, the petitioner unsuccessfully assailed order dated 4.7.2022 passed by Magistrate before Sessions Court.

Learned counsel for the petitioner inter alia contends that respondent-husband is getting salary more than Rs. 90,000/- per month whereas petitioner has been granted maintenance of Rs. 8,000/- per month which is in no way can be justified especially in view of the present cost of living. The petitioner is a 54 years old lady, thus, amount of maintenance needs to be enhanced.

I have heard learned counsel for the petitioner and perused the record.

From the perusal of record, it can be gleaned that petitioner is staying with her mother and there is no cost of rent. It is the respondent-husband who is maintaining both the children. The cost of marriage of daughter as well cost of education of son was/is born by the respondent-husband. The respondent is also having responsibility of his mother. The Magistrate as well Appellate Court, after considering all these facts and figures have awarded interim maintenance of Rs. 8,000/- per month to the petitioner.

It is apt to mention here that the maintenance awarded by Family Court is interim, thus, petitioner would get opportunity to put forth his stand at the time of determination of final maintenance.

Disposed of.

16.03.2023

paramjit

(JAGMOHAN BANSAL)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No