

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

1) **CRM-M-11494-2020**
Date of Decision: 06.01.2023

Ambika Thapar and Another **...Petitioners**
Versus

Sanket Thapar **...Respondent**

2) **CRM-M-34130-2020**

Sanket Thapar **...Petitioner**
Versus

Ambika Thapar and Another **...Respondents**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amit Dhawan, Advocate for the petitioners in CRM-M-11494-2020 and for respondent in CRM-M-34130-2020

Mr. Mandeep S. Sachdev, Advocate for the petitioner in CRM-M-34130-2020 and for respondent in CRM-M-11494-2020

JAGMOHAN BANSAL, J. (Oral)

By this common order, CRM-M-11494-2020 & CRM-M-34130-2020, being arising from the same impugned order dated 13.12.2019 are adjudicated. For the sake of convenience, facts are hereby borrowed from CRM-11494-2020.

The petitioners through instant petition are seeking modification of order dated 13.12.2019 (Annexure P-6), whereby Additional Sessions Judge, Jalandhar, has modified order dated 30.04.2018 (Annexure P-4) passed by JMIC, Jalandhar.

The petitioner No.1 got married with the respondent on 16.01.2004 at Jalandhar as per Hindu rites and ceremonies. The family was blessed with a female child. On 23.11.2016, the respondent filed petition under Section 13 of Hindu Marriage Act, 1955 before District

petitioner filed an application under Section 125 Cr.P.C. before Magistrate seeking maintenance of Rs.2 Lac per month for both the petitioners. The Magistrate, vide order dated 30.04.2018 (Annexure P-4) directed the respondent to pay Rs.35,000/- per month to the petitioners. The petitioners, feeling aggrieved from order dated 30.04.2018, preferred revision before Sessions Court which came up for consideration before Additional Sessions Judge, Jalandhar, who vide order dated 13.12.2019 (Annexure P-6) partially accepted the revision and enhanced amount of maintenance from Rs.35,000/- to Rs.66,000/- per month i.e. Rs.40,000/- to petitioner No.1 (Wife) and Rs.26,000/- to petitioner No.2 (Daughter).

The petitioners have preferred present petition seeking further enhancement of maintenance awarded by the Courts below. The respondent has preferred CRM-M-34130-2020 seeking setting aside of order dated 13.12.2019 passed by Additional Sessions Judge-Revisionary Court and order dated 30.04.2018 passed by JMIC, Jalandhar.

Learned counsel for the petitioners would contend that annual income of the respondent is more than Rs.35 Lac per annum, thus, maintenance awarded is on the lower side. The respondent has no regard for the orders of the Courts. The Revisionary Court enhanced amount of maintenance from Rs.35,000/- to Rs.66,000/-, however, respondent is paying Rs.35,000/- per month instead of Rs.66,000/- per month, resultantly, there are arrears of approximately Rs.19 Lacs.

Learned counsel for the respondent submits that respondent is liable to pay income tax almost @ 35%, thus, he is actually earning not more than Rs.1.75 Lacs per month. The respondent has to maintain his father and at the time of desertion, the petitioner was working as Lecturer.

Without going into merits of the case and considering the fact that Courts below have granted interim maintenance and final order is yet to be passed; the amount of maintenance at this stage is just and fair and would be finally decided after considering all the arguments of the petitioners and financial status of the respondent, this Court is of the considered opinion that both the petitions deserve to be dismissed, with liberty to both the parties to raise their pleas before the Trial Court.

The respondent is directed to clear outstanding dues within six months from today. He is further directed that with effect from 10.01.2023, he will make payment of Rs.66,000/- per month instead of Rs.35,000/- each month.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

06.01.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*