

2023:PHHC:055633

CRR(F)-584 of 2023(O&M)

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In the High Court of Punjab and Haryana at Chandigarh

115

CRR(F)-584 of 2023(O&M)

Date of Decision: 20.04.2023

Alka Sharma

---Petitioner

versus

Sanjeev Kumar Sharma

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Chander Shekhar Singhal, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

CRM-17490 of 2023

The applicant is seeking condonation of delay of 36 days
in filing the instant petition.

In view of averments made in the application and
arguments advanced by counsel for the applicant, the application is
allowed and delay of 36 days in filing the instant petition is condoned.

CRR(F)-584 of 2023

1. The petitioner through instant petition under Section 401
Cr.P.C. is seeking modification of order dated 12.12.2022 whereby
Additional Principal Judge, Family Court, Ambala, in terms of
provisions of Section 125 of Cr.P.C., has awarded maintenance

allowance of Rs. 3,000/- per month to the petitioner.

2. The brief facts emerging from record are that the marriage of the petitioner was solemnized with respondent on 27.11.1991 in accordance with Hindu rites and ceremonies. The wedlock was blessed with five children. The parties to marriage could not cohabit together and petitioner left company of the respondent. The petitioner filed petition under Section 125 of Cr.P.C. seeking maintenance. The petition came up for consideration before Family Court which vide impugned order has awarded maintenance to the petitioner. The petitioner feeling aggrieved from impugned order has invoked jurisdiction of this court.

3. Learned counsel for the petitioner *inter alia* submits that amount of maintenance awarded by the court below is on the lower side. The total monthly income of the respondent is Rs. 50,000/- whereas trial court has awarded meager amount of maintenance of Rs. 3,000/- per month. The cost of living nowadays is very high, thus, it is very difficult to survive with this small amount of maintenance. It is against the intent and purport of Section 125 of Cr.P.C.

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

5. The Family court has noticed the fact that two children are independently earning and two children are dependent upon the respondent. The monthly approximate income of the respondent on account of pension is Rs. 23,381/-. The petitioner is living in the

house of the respondent and it is respondent who is bearing costs of grocery. It is settled proposition of law that amount of maintenance awarded must be in consonance with status of the family and income of the husband. The object of maintenance is to prevent the wife and children from being driven to destitution and vagrancy, however, courts cannot fix amount of maintenance contrary to income and status of parties. The respondent being husband and father of five children has social, ethical and statutory responsibility to maintain his family. The trial court has taken care of all these aspects.

6. It is pertinent to mention here that by impugned order interim maintenance has been awarded and petitioner would get opportunity to put forth her all pleas at the time of final determination of quantum of maintenance.

7. Finding no factual or legal infirmity in the impugned order, warranting interference by this court, present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

20.4.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No