

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.34348 of 2015
Date of Decision: 13.12.2023

Harjinder Kaur @ Simran Kaur
and another

.. Petitioners

Versus

Jagdip Pal Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gurpal Kaur Dulat, Advocate,
for the petitioner.

None for the respondent.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioners seeking modification in the order dated 01.08.2014 passed by learned JMIC, Patiala in Maintenance Petition bearing Criminal Misc. No.42T of 2007 titled as *Harjinder Kaur alias Simran Kaur and another v. Jagdip Pal Singh* and for setting aside of order dated 06.01.2015 passed by learned Additional Sessions Judge, Patiala whereby the prayer made by the petitioners for modification in the order of the learned Magistrate had been dismissed.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the present petitioner No.1 for herself as well as on behalf of her minor son i.e. petitioner No.2 had filed the aforementioned

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petition under Section 125 of Cr.P.C. on the averments that she was married with the respondent on 01.09.2004. The respondent and his parents were not satisfied with the dowry articles given by the parents of the petitioner No.1 at the time of marriage and had started harassing her and subjecting her to cruelty on account of their demands of dowry. Ultimately, she along with the minor petitioner was turned out of her matrimonial house. While submitting that she was unable to maintain herself and her son and the respondent had refused and neglected to maintain them without any reasonable cause, she had prayed for directing him to pay maintenance. The respondent had resisted the claim of the petitioners. The parties had led evidence and vide order dated 01.08.2014, the learned Magistrate had directed the respondent to pay a sum of Rs.2000/- per month to the petitioner No.1 and Rs.1000/- per month to the petitioner No.2.

3. Feeling dissatisfied from the amount of maintenance as directed to be paid by the learned Judicial Magistrate, the petitioners had preferred a Criminal Revision No.71-T of 2014 before the Court of learned Additional Sessions Judge, Patiala for enhancement in the said amount and vide order dated 06.01.2015, the said petition had been dismissed.

4. It is argued by learned counsel for the petitioners that the impugned order passed by learned Judicial Magistrate is liable to be modified as the amount of maintenance as directed to be paid to them by the respondent was quite meager and not at all sufficient to maintain them and to meet with their day to day requirements of food, clothing, medicine etc. and the requirement of the minor petitioner No.2 of education also. He has submitted that the respondent is a skilled person and is earning a sum of more than Rs.25,000/- by working in Sahil Motel, Sirhind. He has not paid

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any maintenance to them so far. Hence, it is argued that the petition deserves to be allowed.

5. The respondent had been duly served with notice of this petition but has not put up appearance.

6. I have heard learned counsel for the petitioners at length and have perused the material placed on record.

7. The learned Magistrate vide order dated 01.08.2014 had awarded maintenance to the tune of Rs.2000/- per month to petitioner No.1 and Rs.1000/- per month to the petitioner No.2 while considering that his salary was @Rs4100/- per month at that time and he was working as a waiter in Sahil Motel. A certificate of salary had also been produced by the respondent on record to show so. This petition is nine years old by now.

8. Learned counsel for the petitioners has submitted that they are residing separately from the respondent and had not been rehabilitated by him. The amount of maintenance that was directed to be paid by the respondent to the petitioner as on 01.08.2014 can certainly not be stated to be sufficient in the present scenario when a period of more than nine years has passed. It can reasonably be assumed that the income of the respondent must have increased manifold by now. The amount of maintenance which has been directed to be paid by him to the petitioners cannot be stated to be sufficient. It is the moral as well as legal obligation of the respondent-husband to maintain his wife and child. It is well settled that a wife is entitled to maintain a standard of living which is neither luxurious nor penurious and is also entitled to lead a decent life yet at par with the dignity and status of the husband and keeping in view the commitment of the respondent to meet the needs and requirements of food, shelter and medical

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treatment etc. of his wife as well as his child.

9. keeping in view the present rising prices index and day to day requirement of studies and medical expenses etc. of the minor petitioner No.2, the petition is allowed and the order dated 01.08.2014 passed by learned JMIC, Patiala, is modified and the order passed by learned Additional Sessions Judge is reversed. The respondent is directed to pay Rs.5000/- per month as maintenance to the petitioner No.1-wife and Rs.4000/- per month to the petitioner No.2- minor child from the date of passing order by the learned Judicial Magistrate.

13.12.2023
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No