

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-1090-2022 (O&M)

Date of order: 17.08.2023

Smt. Vikash Kumari & Another

.....Petitioner(s)

Vs.

Sh. Gautam Parkash

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Anil Ghanghas, Advocate
for the petitioners.

Nidhi Gupta, J.

By way of present revision petition, the petitioners are seeking enhancement of interim maintenance of Rs.16,000/- granted to the petitioners vide impugned order dated 21.01.2022 passed by Principal Judge, Family Court, Bhiwani. Petitioners before this Court are the wife and daughter of the respondent herein.

2. Learned counsel for the petitioners submits that the respondent-husband is a Teacher and earning Rs.80,000/- to Rs.90,000/- per month. It is submitted that the petitioner No.2 is a student. She is also taking coaching classes from a private coaching centre for which her expenses of fees and transportation itself are Rs.15,000/- per month. It is stated that therefore, the interim maintenance of Rs.16,000/- granted to the petitioners is inadequate and the same deserves to be enhanced.

3. No other argument is raised on behalf of the petitioners.

4. I have heard learned counsel for the petitioners.

5. Perusal of the record of the case reveals that vide order dated 09.02.2012, the Daily Lok Adalat had granted maintenance of Rs.8,500/- (Rs.5,000/- for petitioner No.1 and Rs.3,500/- for petitioner No.2). The petitioners sought enhancement of the same by way of present application under Section 127 Cr.P.C. filed before the learned Family Court, Bhiwani.

6. On the basis of Exhibit PW1/B, Exhibit PW1/C and Exhibit P10, the learned Family Court ascertained that since 2012 the salary of the respondent had increased from Rs.25,000/- pm to Rs.75,000/- pm. It has also been found by the learned Family Court that the respondent is paying instalment of Rs.25,000/- per month towards repayment of loan; as also that it is the petitioners who are living in the matrimonial home of the respondent, while he has been shunted out. It is keeping in view all the above facts that the learned Family Court has held the petitioners entitled to approximately 1/4th of the gross salary of the respondent i.e. Rs.10,000/- for petitioner No.1 and Rs.6,000/- for petitioner No.2 from the date of filing of their petition under Section 125 Cr.P.C.

7. In view of the above admitted factual position, I find no error in the impugned order. Present petition accordingly stands **dismissed**.

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

17.08.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No