

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRR(F) 1001/2023(O&M)
Date of decision: 26.07.2023.

Smt. Poonam Upadhyay

.....Petitioner.

Vs.

Rishi Dutt Sharma

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Yogeshwar Dayal Kaushik, Advocate for the petitioner

Nidhi Gupta, J.CRM 28624/2023

Since there is delay of 39 days in refiling the revision petition,
aforesaid application has been filed seeking condonation of delay.

For the reasons stated in the application, the same is allowed
and delay in refiling the revision petition is condoned.

Main Case

This revision petition is filed against the order dated
28.2.2023 passed by Additional Principal Judge, Family Court, Faridabad
whereby in a petition under Section 125 Cr.PC, maintenance has been granted
to the petitioner @ Rs.15,000/- per month.

Ld. counsel for the petitioner-wife submits that respondent is
earning Rs.85,000/- per month as the respondent has rental income of
approximately Rs.55,000/- per month and is also earning Rs.30,000/- from his

Garment business; however, only Rs.15,000/- have been granted to petitioner as maintenance. It is submitted that accordingly the impugned order be set aside, and maintenance granted to the petitioner be enhanced to Rs.50,000/- per month.

Heard ld. counsel.

The undisputed facts on record show that marriage between the parties was solemnized on 22.11.2015, and they are living separately since 8.8.2017, and no child was born out of this wedlock. It is further borne out from the impugned order that petitioner was also working as Manager in SPR Company and drawing salary of Rs.30,000/- per month. It is pleaded case of the petitioner that she is not working at present due to ill health of her father. However, admittedly the petitioner also has a brother who can take care of her father. It is also established on record that the petitioner was earning Rs.30,000/- per month from 2016 to 2018. It is established position in law that Maintenance is to be granted only in cases where the wife is unable to maintain herself. No cogent reason has been given by learned counsel for the petitioner to show as to why the petitioner is unable to maintain herself anymore.

In this view of the matter, no case for interference is made out.

Dismissed.

26.07.2023.
Joshi

(Nidhi Gupta)
Judge