

Sr.No.221

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

2023:PHHC:157730

**CRR-F-232-2015(O&M)
Date of decision:08.12.2023**

Balwinder Kaur

.....Petitioner

Versus

Gurdial Singh

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: None.

Harpreet Kaur Jeewan, J.(Oral)

1. Challenge in the present revision petition was to the judgment dated 05.05.2015 passed by the District Judge (Family Court) Ambala City whereby a petition under Section 127 of Code of Criminal Procedure for enhancement of maintenance amount, filed by the petitioner was dismissed.

2. The challenge has been made on the ground that the petitioner was awarded a sum of Rs.15,000/- per month as maintenance under Section 125 Cr.P.C vide order dated 11.06.2005 passed by the Judicial Magistrate First Class. However due to change of circumstances, as the living cost increased, the petitioner should have awarded the enhancement of the amount which was sought under Section 127 Cr.P.C. The respondent-husband is regular employee of the Forest Department who is posted in West Bengal and earning handsome salary. The order of the dismissal of the said application is contrary to the facts and circumstances on record.

3. Initially, the petition was dismissed for non-prosecution on 15.11.2018. Thereafter, the petition was restored to its original number subject to the petitioner's depositing Rs.2500/- with the High Court Legal Services

Committee as per the order dated 17.12.2018. None appeared on 08.08.2019 and even today, no one appeared on behalf of the petitioner. Perusal of the impugned order indicate that respondent-husband has specifically taken a plea that petitioner No.1 is working as guest teacher and earning Rs.30,000/-per month. The Family Court had taken note of the admissions made by the petitioner No.1- wife about her working as lecturer in Government Primary School, Goli, District Ambala w.e.f 26.02.2006 and about her salary as Rs.15,000/- per month. Family Court has also noted the fact that Date of Birth of the sons of the petitioner is 09.3.1995 and 05.3.1996 as such they have turned major. Petitioner could not point out any grounds for allowing maintenance to the major sons. Family Court observed that there is no substantial change in the circumstances more so when the petitioner wife herself working and earning handsome salary of Rs.15,000/- per month.

4. In view of the reasoned order passed by the Family Court, this Court does not feel any reason to interfere in the said findings. There is no illegality or perversity in the said findings, the present petition is devoid of merits and is accordingly dismissed.

5. Pending miscellaneous application (s), if any, shall also stand dismissed.

8th December, 2023

Shivani Kaushik

[HARPREET KAUR JEEWAN]**JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No