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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CRR-4199-2017 (O&M)
Date of decision : 10.10.2023

Sonu ... Petitioner(s)
Versus
Hari Parkash ... Respondent(s)

2. CRR-719-2016 (O&M)
Hari Parkash ... Petitioner(s)

Versus
Sonu ... Respondent(s)

3. CRR-726-2016 (O&M)
Hari Parkash ... Petitioner(s)

Versus
Sonu ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.D. Yadav, Advocate
for the petitioner in CRR-4199-2017 and
for the respondent in CRR Nos.719 & 726 of 2016.

Mr. J.P. Sharma, Advocate
for the respondent in CRR-4199-2017 and
for the petitioner in CRR Nos.719 & 726 of 2016.

ALKA SARIN, J. (ORAL)

1. This order of mine shall dispose off the aforesaid three revision petitions. For the sake of convenience, Sonu (petitioner in CRR-4199-2017) is being referred to as wife and Hari Parkash (petitioner in CRR Nos.719 and 726 of 2016) is being referred to as husband.

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2. Brief facts relevant to the present *lis* are that the marriage between the parties was solemnized on 06.05.2001. Sometime in the year 2007, the wife filed a petition under Section 125 of the Code of Criminal Procedure, 1973 and an amount of Rs.2,000/- was awarded as maintenance. Thereafter, on an application under Section 127 CrPC, the maintenance was enhanced to Rs.5,000/- by the Judicial Magistrate 1st Class, Rewari vide order dated 28.10.2014. Against the said order, two appeals were preferred by both the husband and the wife. The husband filed an appeal asking for reduction and the wife preferred an appeal asking for enhancement of maintenance. Vide a common order dated 04.09.2015, the appeal of the wife was partly allowed and the amount of maintenance was enhanced to Rs.8,000/- and the appeal of the husband was dismissed. Both the husband and the wife have now preferred the three revision petitions. CRR-4199-2017 has been filed by the wife for enhancement. CRR No.719 of 2016 has been filed by the husband against the dismissal of his appeal and CRR No.726 of 2016 against the allowing of the appeal of the wife.

3. Learned counsel appearing on behalf of the wife has contended that the husband is now earning Rs.27,000/- per month and hence the amount of maintenance ought to have been increased.

4. *Per contra*, learned counsel appearing on behalf of the husband has contended that at the relevant time the husband was earning a salary of Rs.18,000/- per month and out of that Rs.8,000/- per month was awarded as maintenance to the wife and hence there is no scope for any enhancement.

No other argument was raised by the counsel for the husband.

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5. Vide the impugned order dated 04.09.2015 the learned Addl. Sessions Judge, Rewari has enhanced the maintenance from Rs.5,000/- to Rs.8,000/- based on the salary certificate of the husband which showed that he was drawing a gross salary of Rs.17,473/- in the month of October 2012 and keeping in view the enhancement that may have been made to his salary, the Court had directed that the amount be modified from Rs.5,000/- to Rs.8,000/- thereby partly allowing the appeal filed by the wife and consequently the appeal filed by the husband was dismissed.

6. Heard.

7. In the present case, based on the salary being drawn by the husband at the relevant point of time, an amount of Rs.8,000/- was fixed as maintenance. The argument of the learned counsel for the wife that the salary of the husband has now increased to Rs.27,000/- is not based on any documentation which has been placed before this Court. In view of the salary certificate of the husband already on the record, the maintenance has rightly been awarded. The argument of learned counsel for the wife that the salary of the husband would have been increased now cannot be accepted in the absence of any documentation. However, the wife would always be at liberty to file an application for enhancement on the said basis.

8. In view of the above, all three revision petitions are accordingly dismissed. Pending applications, if any, also stand disposed off.

10.10.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO