

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRR 1570 OF 2023
Date of decision: 10.08.2023.

Alka Kamboj

.....Petitioner

Vs.

Vijay Kumar

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Piyush Setia, Advocate for the petitioner

Nidhi Gupta, J.

Prayer in the present revision petition is for enhancement of final maintenance of Rs.10,000/- awarded by the Id. Sessions Judge, Fazilka vide impugned order dated 3.3.2023.

Ld. Counsel for the petitioner submits that petitioner was married to the respondent on 26.11.2004 and has been living separately since 2016. It is submitted that vide impugned order petitioner has been granted final maintenance of Rs.10,000/- per month whereas respondent husband is earning Rs.67,000/- per month. Ld. Counsel admits that though the petitioner is a qualified ETT Diploma Holder, however, she is not working and is entirely dependent on the maintenance allowance given by the respondent.

I have heard learned counsel.

Perusal of the record of the case reveals that vide order dated 18.9.2019, the Id. JMIC, Abohar had awarded Rs.3000/- per month to the petitioner, and Rs.5000/- per month to the (now deceased) son born out of the

wedlock of the parties, as maintenance. Vide the impugned order, the learned Sessions Judge has enhanced the said maintenance to Rs.10,000/- per month.

It is the case of the petitioner that the respondent is earning Rs.67,000 per month. However, it has also come on record that petitioner herself examined AW1 Kuldeep Kumar, Clerk, Canal Division, Abohar who produced attested copy of Salary Certificate Ex.A1 of the respondent as per which gross salary of the respondent for the month of May 2017 was Rs.42,602 and net salary as Rs.38072/-, which after revision of pay scales of Punjab Government employees in the year 2022 after implementation of the Sixth Pay Commission was taken by the Id. Court below to be between Rs.60-70,000/- per month. There is no evidence on record to prove salary of the respondent as Rs.60-70,000/- per month.

Be that as it may, Id. Counsel for the petitioner has admitted that petitioner is a qualified and well-educated lady, having degree of D-Pharmacy and ETT. Though it has been stated that the petitioner is not working, however, it has come on record that she is doing the business of Ayurvedic medicines/Nutrition Diet/Treatment in the name of Life Style Nutrition Centre. Admittedly, petitioner suffers from no physical infirmity.

In similar circumstances Hon'ble Karnataka High Court in **Shilpashree J.M. v Gurumanjunatha A.S., 2023 SCC OnLine Kar 36**, has held as under:-

“8. The records also disclose that before marriage petitioner No. 1 was working as is evident from her cross-examination. Her cross-examination also reveals that she was residing along with her mother. It is also evident from her admission that, even after her desertion she continued to stay in the rented house along with her mother itself and the allegation

does establish that she was not interested to stay with respondent Nos. 2 to 4. It is an admitted fact that at the instance of the present petitioner No. 1, a separate house was taken on rent and now the petitioners i.e., wife and child are residing therein along with her mother, but she was reluctant to stay with her mother-in-law and unmarried sister-in-law. It is an admitted fact that respondent No. 1- husband is running provision stores. Further, he is having responsibility of taking care of his mother and unmarried sister. Admittedly, the petitioner No. 1 was working prior to her marriage and it is asserted that after marriage she resigned the said job. But, there is no explanation as to why she is incapable of working now. She is not supposed to sit idle and seek entire maintenance from her husband and she is also legally bound to make some efforts to meet her livelihood and she can seek only supportive maintenance from her husband”.

I am in complete concurrence with the above said views expressed by the Hon’ble Karnataka High Court. Even otherwise, I find the maintenance as awarded by the learned Sessions Judge to be just and fair in the facts and circumstances of the case. Accordingly, I find no ground is made out to exercise the revisional jurisdiction of this Court.

Dismissed.

10.08.2023.
Joshi

(Nidhi Gupta)
Judge