

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

229

CRR(F)-391-2017

Date of Decision: 11.01.2023

Preetika and another

..... Petitioners

Versus

Rakesh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vishal Munjal, Advocate
for the petitioners.

Mr. Gursharan Singh, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition is seeking modification of order dated 09.08.2017 whereby District Judge, Family Court, Pathankot in terms of Section 125 Cr.P.C. has granted maintenance of Rs.7,000/- per month to petitioner No.1 and Rs.3,000/- per month to petitioner No.2 w.e.f. 08.04.2016 till 30.06.2017 and Rs.8,000/- per month to petitioner No.1 and Rs.4,000/- per month to petitioner No.2 w.e.f. 01.07.2017.

Learned counsel for the petitioner submits that maintenance of Rs.12,000/- per month was granted to the petitioners in the year 2017 and with the passage of time, cost of living has increased, thus, it is not possible for the petitioner to survive with the meagre amount of Rs.12,000/- per month. The amount of maintenance in view of changed facts and circumstances needs to be enhanced.

Learned counsel for the respondent, at the outset, submits that the respondent was working with Indian Army and at the time of passing of impugned order, he was getting salary of Rs.46,397/-and he has retired in

the month of August' 2022. The respondent, at present, is not getting salary whereas he is getting pension which is almost Rs.22,000/- per month and out of said amount, he is regularly paying Rs.12,000/- per month to the petitioners.

The respondent undertakes that he will not make any default in payment of Rs.12,000/- per month, however, he prays that the aforesaid amount may not be increased in view of the fact that the respondent has retired and he is totally dependant upon the pension. He further states that liberty may be granted to challenge order dated 09.08.2017.

It is undisputed fact that cost of living has increased and Rs.12,000/- may not be just, fair and reasonable amount, however, the Court cannot ignore the fact that the respondent at the time of passing of impugned order was in service and now he has retired. The respondent at present is getting pension which is almost 50% of the salary which he was drawing at the time of passing of impugned order.

In view of changed facts and circumstances, this Court does not find appropriate to modify the impugned order. Accordingly, petition is dismissed.

The respondent is free to avail remedy as permissible by law, however, the respondent shall continue to pay and clear all outstanding dues till the date of passing of any other order by any competent Court.

(JAGMOHAN BANSAL)
JUDGE

11.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>