

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR(F)-343-2018 (O&M)

Date of Decision: 22.08.2023

Ashima Goel

.... Petitioner

Versus

Vipul Gupta

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vicky Sharma, Advocate for the petitioner.

None for the respondent.s

NIDHI GUPTA, J. (ORAL)

1. Prayer in the present revision petition filed by the petitioner/wife is for enhancement of final maintenance of Rs.30,000/- as well as seeking maintenance from the date of filing of the application, instead of date of order, awarded by the learned Principal, District Judge, Family Court, Karnal, vide impugned order dated 05.05.2018

2. Learned counsel for the petitioner, *inter alia*, submits that petitioner was married to the respondent on 22.01.2014 as per Hindu Rites and ceremonies. No child was born out of the said wedlock and they have been living separately since 2014, itself. It is submitted that vide impugned order petitioner has been granted final maintenance of Rs.30,000/- per month from the date of passing the impugned order, besides a sum of Rs.20,000/- towards litigation expenses. Learned counsel for the petitioner submits that keeping in view the income of the

respondent-husband, maintenance of Rs.80,000/- per month ought to have been granted; as also vide impugned order the learned Family Court granted maintenance from the date of order; whereas the petitioner is seeking maintenance from the date of filing of the application under Section 125 Cr.P.C. Learned counsel admits that though the petitioner is a well qualified woman and has done LL.B., however, she is not working and is entirely dependent on the maintenance allowance given by the respondent.

3. I have heard learned counsel for the petitioner.

4. Perusal of the record of the case reveals that vide impugned order dated 05.05.2018, the learned Family Court, had granted final maintenance to the tune of Rs.30,000/- per month to the petitioner. It is the case of the petitioner that the respondent-husband is earning Rs.2,00,000 per month from the business of Printing Press.

5. Learned counsel for the petitioner has admitted that petitioner is a well qualified woman and has done LL.B., though it has been stated that the petitioner is not working. Admittedly, petitioner suffers from no physical infirmity.

6. 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”.

7. 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 Family Court to be just and fair in the facts and circumstances of the case.

8. Accordingly, I find no ground is made out to exercise the revisional jurisdiction of this Court.

9. **Dismissed.**

22.08.2023

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No