

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

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**CRR (F) No. 824 of 2022 (O & M)
Date of Decision : 10.1.2023**

Rupinder Kaur

..... Petitioner

versus

Sukhwinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Akshay Chadha, Advocate, for the petitioner
Mr. S.K. Sirsa, Advocate, for the respondent

TRIBHUVAN DAHIYA J. (ORAL):

This revision petition has been filed for modification of the order dated 6.6.2022 passed by the Family Court, holding that the petitioner/wife will be entitled to interim maintenance of Rs.6000/- per month under Section 125 Cr.P.C. from the date of application to 1.4.2021, i.e., the date of her appointment as Superintendent, and Rs.1500/- per month from 1.4.2021 till final decision of the main case.

As is apparent on record, the application for maintenance under Section 125 Cr.P.C. was filed by the petitioner/wife on 21.12.2019. Pending adjudication, it was brought to the Family Court's notice that she was employed as Superintendent, Guru Amardas Apahaj Ashram, w.e.f. 1.4.2021, and was drawing a salary of Rs.15,000/- per month. Keeping this fact in view, the Family Court, vide the impugned order, reduced the amount of interim maintenance to Rs.1500/- per month w.e.f. the date of her appointment, i.e., 1.4.2021.

Learned counsel for the parties have been heard.

The issue regarding grant of maintenance to the petitioner/wife is pending adjudication before the Family Court. It is only during pendency of the

said proceedings, it came to the Court's notice that the petitioner/wife got an employment as Superintendent in Guru Amardas Apahaj Ashram. However, it is not on record as to what is the nature or duration of this employment; whether it is permanent or contractual for a short period. It has not been ascertained whether the said amount of salary is sufficient for the petitioner to maintain herself. The trial Court has reduced the amount of interim maintenance from Rs.6000/- to Rs.1500/- per month w.e.f. 1.4.2021 in a casual manner, without assigning any cogent reason. None of the relevant factors were considered by the Court before reducing the amount.

Further, it is not in dispute that the respondent/husband is employed as Head Constable in the Punjab Police and his carry-home salary is Rs.55,000/-per month.

In view thereof, the impugned order dated 6.6.2022 is set aside to the extent it holds the petitioner/wife is entitled to the reduced amount of maintenance of Rs.1500/- per month w.e.f. 1.4.2021, and she is held entitled to interim maintenance at the rate of Rs.6000/- per month from the date of filing of the application till final decision of the case.

The observation made in this order will not have any bearing on the merits of the pending case before the Family Court.

The petition stands disposed of in the aforesaid terms.

(TRIBHUVAN DAHIYA)
JUDGE

10.1.2023

Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No