

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR-F-1253-2023 (O&M)

Date of decision: 31.08.2023

Poonam

...Petitioner(s)

Vs.

Sunil

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Himanshu Arora, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the wife seeking enhancement/modification of impugned order dated 26.05.2023 passed by learned Principal Judge, Family Court, Gurugram at Camp Court, Sohna whereby in a petition filed by the petitioner under Section 125 Cr.P.C. bearing No.MNT-125/480/2018, the learned Family Court has granted final maintenance of Rs.4500/- per month to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was married to the respondent on 24.11.2012. Two children were born out of this wedlock, who are admittedly, in the care and custody of the respondent-husband. Learned counsel contends that the respondent is earning Rs.58,000/- per month as is evident from the affidavit of assets and liabilities filed by the respondent before the learned trial Court (Annexure P5). It is submitted that accordingly, the maintenance granted by the learned Family court to the petitioner is on the lower side and the same deserves to be enhanced as the petitioner is entitled to grant of 1/3rd of

salary of the respondent as maintenance i.e. approximately Rs.20,000/- per month.

3. I have heard learned counsel for the petitioner.

4. Perusal of impugned order reveals that the petitioner has done BBA from MDU University and has worked as intern in Vivekanand Academy. Furthermore, as per the affidavit of assets and liabilities filed by the petitioner before the learned Family Court (Annexure P4), she has stated herself to be a qualified graduate who has completed her B.Ed. Admittedly, after the death of her father, the petitioner has also inherited a plot of 900 square yards.

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

"8. The records also disclosed 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 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".

(Emphasis supplied).

6. I am in complete concurrence with the above said views expressed by the Karnataka High Court. Even if it is correct that the petitioner is currently doing nothing, she is legally bound to make some efforts to meet at least her own livelihood.

7. On the other hand, admittedly, the respondent has to maintain his two minor children as well as his aged mother. It has also come on record that he has to pay a monthly instalment of Rs.14,000/- towards re-payment of his car loan. The petitioner has also received Rs.50,000/- as maintenance pendente lite in the Section 13 HMA petition filed by the respondent.

8. In view of above factual and legal position, I find no ground is made out to interfere in the impugned order/enhance the maintenance as awarded by the learned Family Court. Present petition accordingly stands **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

31.08.2023

Sunena

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)

Judge