

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**116****CRR-F-1478-2023(O&M)****Date of decision: 11.10.2023****Smt. Neelam & Others****...Petitioner(s)****Vs.****Sahdev Arya****...Respondent(s)****CORAM:****HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: -

Mr. Shilak Ram Hooda, Advocate
for the petitioners.

NIDHI GUPTA, J.

Prayer in the present petition filed by the petitioners/wife and two minor children is to modify order dated 25.08.2023 whereby, in an application filed by the petitioners under Section 125 Cr.P.C., learned Family Court, Ganaur has granted Rs.11,000/- per month as interim maintenance.

2. Learned counsel for the petitioners inter alia submits that interim maintenance of Rs.11,000/- per month is very meagre in view of the fact that the two minor children were in the care and custody of petitioner No.1. It is submitted that petitioners No.2 and 3 are studying in school and petitioner No.1 is spending more than Rs.12,000/- on their fees. In addition thereto, there are expenses of food, clothing and other necessary items and therefore, Rs.11,000/- as very meagre. It is further submitted that on the other hand, respondent-husband is serving in Army and is drawing salary of Rs.60,000/- per month and, he has no additional responsibilities. It is therefore, prayed that the impugned order be modified and interim maintenance as granted by the learned Family Court be

enhanced to at least Rs.25,000/- per month along with litigation expenses of Rs.33,000/-.

3. No other argument is made on behalf of the petitioners.

4. I have heard learned counsel for the petitioners.

5. Perusal of record of the case reveals that petitioner No.1 was married to the respondent on 01.12.2005. Twin children i.e. petitioners No.2 and 3 were born out of their wedlock, who are in the custody of petitioner No.1. The parties are living separately since June, 2017.

6. Although, it is the case of the petitioners that respondent is serving in the Army on the post of Nayak and is drawing salary of Rs.60,000/- per month however, perusal of impugned order reveals that it has been recorded by learned Family Court that the respondent is now retired and is drawing pension of Rs.18,600/- per month. It has further been recorded that as per the affidavit of assets, income and liabilities filed on behalf of the respondent, the respondent has stated himself to be earning an additional Rs.15,000/- per month while working as a Watchman in Central Warehouse, Hanumangarh and therefore, his total income is Rs.33,602/- per month. Further, respondent is stated to be looking after his old and ailing parents. It is keeping in view all these relevant factors, that the learned Family Court has granted Rs.11,000/- per month to the petitioners as interim maintenance.

7. Learned counsel for the petitioners has not disputed the above said findings of the learned Family Court, nor has anything been shown to this Court to controvert the same.

8. In view of the above facts, I find no ground is made out to interfere in the impugned order. Present petition accordingly, stands **dismissed.**

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

11.10.2023

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No