

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-52883-2019 (O&M)

Date of order: 08.08.2023

Harpreet Kaur

.....Petitioner(s)

Vs.

Ratandeep Singh Ahuja

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Mohit, Advocate for
Mr. Bhuwan Vats, Advocate (Legal Aid Counsel)
for the petitioner.

Nidhi Gupta, J.

Present petition under Section 482 Cr.P.C. is filed seeking modification of order dated 30.03.2018 (Annexure P1) passed by learned JMIC, Patiala, and order dated 26.08.2019 (Annexure P2) passed by learned Additional Sessions Judge, Patiala, vide which application under Section 125 Cr.P.C. of the petitioner was partly allowed.

2. Learned counsel for the petitioner submits that the petitioner was married to the respondent herein on 10.11.2012. Present application under Section 125 Cr.P.C. was filed by the petitioner on 22.03.2014 before the learned JMIC, Patiala. Vide order dated 30.03.2018, (Annexure P1), said application of the petitioner was partly allowed by the learned trial Court and respondent was directed to pay Rs.18,000/- per month as maintenance to the petitioner and Rs.5,000/- was awarded as litigation expenses. Aggrieved of the order dated 30.03.2018, the petitioner preferred Revision Petition before the learned Additional Sessions Judge,

Patiala. Vide impugned order dated 26.08.2019 (Annexure P2), the learned Revisional Court partly allowed the petitioner's Revision Petition and maintenance awarded by the learned trial Court was made effective from date of application i.e. March 2014; and litigation expenses were enhanced from Rs.5,000/- to Rs.11,000/-.

3. Learned counsel contends that the petitioner is entitled to enhancement of maintenance as the respondent-husband is working as a Wing Commander in the Indian Air Force and in July, 2019, the respondent was drawing a salary of Rs.2,35,328/- per month. It is submitted that on the other hand, the petitioner is not employed and has no source of income and is totally dependent on her parents and is living at their mercy. It is submitted that the petitioner has already resigned from the post of Ayurvedic Medical Officer with Government of Punjab due to harassment caused to her by the respondent.

4. It is further submitted that the petitioner is undergoing treatment for chronic ailments/ovarian tumour and kidney dysfunction as evident from her medical record (Annexure P5). On the other hand, the respondent has residential and agricultural property in his name. It is submitted that in view of the above facts, the impugned orders deserve to be set aside.

5. I have heard learned counsel for the petitioner.

6. The parties were married on 10.11.2012. No child was born out of this wedlock. It is an admitted fact that the parties are living separately since 1.9.2013. It has further come on record that the petitioner

had left the matrimonial home of her own accord. In the voluminous litigation between the parties, it has also come on record that till September, 2022, the respondent has paid Rs.23 lakhs as maintenance to the petitioner.

7. It is also an admitted fact that the petitioner is a qualified Ayurvedic Medical Officer and had worked as such for four years in the State Health Department with the Government of Punjab. However, she resigned from the said job before her marriage to the respondent, and has thereafter, decided not to work. In the facts of the present case, reference to judgment of High Court of Karnataka in “**Shilpashree J.M. Vs. Gurumanjunatha A.S.**” decided on June 19, 2023, is apposite, wherein in similar facts and circumstances as that of the present case, it has been held that wife cannot sit idle and seek entire maintenance from estranged husband. This Court is compelled to observe that it is the equal duty of the wife to maintain herself, especially if she is well qualified, as in the present case. Relevant part of said judgment is reproduced hereinbelow:-

“...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....”

8. Accordingly, in view of the above discussion, present petition stands **dismissed**.

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

08.08.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No