

In the High Court of Punjab and Haryana at Chandigarh

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CRR(F)-1322 of 2022

Date of Decision: 23.1.2023

Renu and others

---Petitioners

versus

Kartar Singh

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rakesh Gupta, Advocate
for the petitioners

JAGMOHAN BANSAL, J. (ORAL)

The petitioners, through the instant petition, are seeking setting aside of order dated 15.10.2022 whereby Additional Principal Judge Family Court, Karnal has allowed maintenance of Rs. 10,000/- per month each to petitioners No. 2 and 3 which is to be contributed by petitioner No. 1 to the extent of 3000/- and Rs. 7000/- respectively..

Learned counsel for the petitioner inter alia contends that he does not dispute non-grant of maintenance to petitioner No. 1, however, he submits that maintenance of Rs. 14,000/- i.e Rs. 7000/- per month each to petitioners No. 2 and 3 is on lower side. The respondent is working as Fitter Instructor at ITI, U.P. and getting net salary of Rs. 68,680/- per month and gross salary of respondent is Rs. 92,022/- per month. It is very difficult for petitioner No. 1 to maintain her children. The trial court has wrongly considered gross

salary Rs. 92,000/- whereas it should be net salary which comes to Rs. Rs. 60,000/-.

I have heard counsel for the petitioners and perused the records.

The relevant extracts of order dated 15.10.2022 read as:-

*“Now, so far as the quantum of maintenance is concerned, in view the currently soaring prices of bare necessities of daily life such as food, medicines, clothes and other unforeseen incidental expenses viz-a-viz **earning capacities** of the parties, an amount of **Rs.10,000/- per month each** to the petitioner No.2 and petitioner No.3 is considered to be the bare minimum which each of the petitioner No.2 and petitioner No. 3 are entitled to claim as maintenance allowance **being students** and that also from the date of filing this petition.*

19. Now so far as the question as to by whom the above amount of maintenance is to be paid, it has been observed by this court that the petitioner No.1 i.e mother of the petitioners No. 2 and 3 is earning **Rs. 92,022/-** per month as JBT Teacher. Whereas, the respondent in his affidavit dated 31.08.2022 regarding his income, expenditure and assets disclosed that he is earning **Rs. 68,680/-** by way of working as Fitter Instructor at I.T.I and he has also placed on record copy of his salary slip for the month of July, 2022 showing his monthly net pay as **Rs.68,681/-**.

20. Hence, both the parents, i.e the petitioner No. 1 and the respondent are earning and are capable of taking care and maintain their children. Therefore, from the above monthly maintenance amount of Rs.10,000/- awarded to the petitioner No.2, an amount of **Rs.7,000/-** per month is to be contributed by the respondent and remaining amount of **Rs.3,000/-** is to be

contributed by the petitioner No 1. Whereas from the above monthly maintenance amount of Rs.10,000/- awarded to the petitioner No. 3, an amount of Rs.7,000/- per month is to be contributed by the petitioner No. 1. Moreover, the respondent is also directed to pay Rs. 11,000/- as litigation expenses to the the petitiioenrs No. 2 and 3.”

From the perusal of above quoted extracts of the impugned order, it is quite evident that petitioner No. 1 is working as JBT Teacher and her gross salary is Rs. 92,022/- and she is getting in hand Rs. 66,940/- and contributing Rs. 20,000/- per month towards GPF. The deduction of Rs. 20,000/- per month towards GPF is nothing more than saving on the part of petitioner No. 1 which cannot be ignored and called as deduction. The amount of maintenance awarded to petitioners No. 2 and 3 seems to be just, fair and reasonable, in view of income of petitioner No. 1, respondent and present cost of living. The findings recorded by the trial court does not warrant interference, thus, the present petition deserves to be dismissed on merits. Accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

23.1.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No