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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:- 20.11.2023

Parmod

... Petitioner

Vs.

Umesh and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr.Lokesh Vohra, Advocate for the petitioner.

Manisha Batra, J. (Oral)

1. Heard.
2. The present revision petition has been filed by the petitioner challenging the order dated 13.09.2023 passed by learned Principal Judge, Family Court, Jhajjar, in maintenance petition No. MNT-CRP-9-2019 titled as ***Umesh and another Versus Pramod*** whereby a petition as filed under Section 127 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') had been allowed with costs and the maintenance allowance of the petitioners (respondents herein) was enhanced from a sum of Rs.7,000/- per month to Rs.14,000/- per month.
3. Shorn of unnecessary details, the relevant facts of the case are that the present respondents, who are wife and minor son, respectively, of

the present petitioner had previously filed a petition No. 5-III of 2011 under Section 125 of Cr.P.C. which had been disposed of vide order dated 15.10.2013 passed by the Court of learned Additional Chief Judicial Magistrate, Jhajjar, and the petitioner was directed to pay maintenance allowance to the tune of Rs.5,000/- to the respondent No.1 and Rs.2,000/- to the respondent No.2. The respondents had filed an appeal against the said order. The same was allowed by the Court of learned Additional Sessions Judge, Jhajjar, vide order dated 19.11.2014 and the enhancement of Rs.1,000/- was allowed in the maintenance allowance of both the respondents thereby enhancing this allowance from Rs.5000/- to Rs.7000/- per month. The respondents thereafter, filed petition under Section 127 of Cr.P.C. on 22.09.2017 making prayer for enhancement in the amount of maintenance by quoting the reasons for doing so. The learned Principal Judge, Family Court vide impugned order dated 13.09.2023 has allowed the prayer and has enhanced the amount of maintenance as mentioned above.

4. It is submitted in the revision petition and learned counsel for the petitioner argued that the impugned order is not sustainable in the eyes of law as the learned family Court failed to appreciate the fact that the respondent No.1 admitted herself to be an ITI diploma holder in training and dress making and concealed this fact in the affidavit sworn by her before the Court. She also concealed the fact that she was not getting any financial support from her parents though at the same time, she claimed that she was incurring monthly expenditure to the tune of Rs.35,000/- per month on maintenance and education of her child i.e. respondent No.2 as well as

herself. He further argued that the petitioner was getting net income of Rs.42,000/- though in the salary slip, his gross income was shown as Rs.59,281/- per month. He argued that the learned family Court also ignored the fact that the petitioner was maintaining his parents, was heavily burdened with loan and had been repaying the same as also the fact that respondent No.1 was capable of maintaining herself. Hence, he has urged that the impugned order is liable to be set aside.

5. I have heard learned counsel for the petitioner at considerable length and have gone through the record carefully.

6. On going through the contents of the judgment/order passed by learned Family Court and on a perusal of the record, I am of the confirmed opinion that the impugned order does not warrant any interference. Though it has been alleged by the petitioner that the respondent No.1 is qualified and is capable of maintaining herself but it is revealed that he failed to produce any material on record to show that the respondent No.1 was earning some money and was capable of maintaining herself and her minor child. The respondents were awarded maintenance to the tune of Rs. 4,000/- and Rs.3,000 i.e. Rs. 7000/- per month vide order dated 19.11.2014 passed by learned Additional Sessions Judge, i.e. nine years back. The learned family Court had rightly observed that the price index had increased manifold in the meantime. The respondent No.2 is a school going child and for taking care of his day to day requirement of food, clothing, medicines etc, the respondent No.1 undoubtedly requires reasonable amount of money.

A sum of Rs.5,000/- as directed to be paid to the minor respondent No.2 for

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this purpose cannot be stated to be excessive but the same is quite moderate and commensurate with his day to day requirements. Similarly, the amount of Rs.9,000/- which had been directed by learned family Court to be paid to respondent No.1 by way of enhancement cannot be stated to be exorbitant. The monthly salary of petitioner is about Rs.60,000/-. A wife as well as child are entitled to maintain same status which is at par with the husband and father.

7. Keeping in view all these factors, no case has been made out warranting interference of this Court in exercise of its revisional jurisdiction. Hence, finding no merits, petition is dismissed.

(MANISHA BATRA)
JUDGE

20.11.2023
pooja saini

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