

**112 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRR(F)-1750-2023 (O&M)  
Date of decision: 12.12.2023**

**KULBIR SINGH**

**.....Petitioner**

**versus**

**ANMOLDEEP KAUR (MINOR) AND ANR**

**.....Respondents**

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Surinder Garg, Advocate  
for the petitioner.

**HARPREET KAUR JEEWAN, J. (ORAL)**

1. Present revision petition has been filed by the petitioner assailing the order dated 17.10.2023, whereby the learned Principal Judge, Family Court, Faridkot has allowed the application filed by the respondents under Section 127 Cr.P.C. thereby enhancing the maintenance to both the respondents from Rs.4,000/- per month to Rs.8,000/- per month w.e.f. 02.11.2019 i.e. the date of filing of the said petition.
2. Learned counsel for the petitioner *inter alia* contends that the marriage between the petitioner and Manpreet Kaur, who is the mother of the respondents, was solemnized on 24.03.2004. There was a matrimonial dispute between them, as such, on 25.06.2013, the relatives of wife of the petitioner took her from the matrimonial home along with her children-respondents. As per order dated 26.09.2017, passed by the Court of learned Principal Judge, Family Court, Faridkot under Section 125 Cr.P.C., the petitioner was directed to pay a sum of Rs.4,000/- per month to both the children-respondent Nos.1 and 2. The petitioner filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restoration of conjugal rights which was decided on 20.11.2017 (Annexure P-2), whereby Manpreet Kaur was directed to join the company of the petitioner. However, she did not join the company of the petitioner. The respondents had challenged the order dated 26.09.2017 (Annexure P-1) by way of

filing a revision petition bearing No.CRR(F)-104-2018, which was fixed for 15.11.2023.

3. Learned counsel for the petitioner further contended that the divorce petition filed by the petitioner has been dismissed by the Court of learned Principal Judge, Family Court, Faridkot vide judgment dated 17.10.2023 against which, the petitioner is going to file an appeal in this Court. An application under Section 127 Cr.P.C. was filed by the respondents through wife of the petitioner whereby, it was alleged that due to change of circumstances, the respondents are unable to meet their expenses. Without properly appreciating the fact that mother of the respondents has failed to join the company of the petitioner without any sufficient cause, despite their being an order under Section 9 of the Hindu Marriage Act, 1955, the learned Principal Judge, Family Court, Faridkot passed the impugned order allowing the enhancement of the maintenance awarded to the respondents from Rs.4,000/- to Rs.8,000/- per month. He further contends that the said enhancement is contrary to the facts on record and in fact, the petitioner is at double loss. On one hand, he is deprived of love and affection of the children and on the other hand, he is paying the maintenance amount to them. It was contended that the petitioner is ready to keep the children and will fulfill all the daily needs of the children, as such, prayer was made for setting aside the impugned order.

4. The learned Principal Judge, Family Court, Faridkot has allowed the enhancement of the maintenance awarded to the respondents under Section 127 Cr.P.C. by observing that both the respondents are minor children of the petitioner. A serious matrimonial dispute is going on between the parents and even the divorce petition filed by the father-petitioner has been dismissed. Both the minor respondents are residing under the care and custody of their mother. It was further observed by the learned Family Court that in cross-examination, the respondent has admitted that in the year 2017-18, he was drawing a monthly salary of Rs.27,000/- to Rs.28,000/- per

month but at present, his gross salary is Rs.49,000/- per month, as such, the learned Family Court observed that salary of the respondent has increased by almost two times. Admission made by the petitioner, that he is not having any other liability except to maintain his children, was also taken note of. It was observed that both the children were enrolled in VI<sup>th</sup> standard on 25.09.2023 and when the respondent made his deposition before the said Court, both the children reached X<sup>th</sup> standard, as such, the need for enhancement is there. The admission made by the petitioner regarding increase in the price index and regarding the fact that children are taking tuitions and even his wife is not keeping well and is on medication, the amount awarded to the respondents-children as maintenance was enhanced from Rs.4,000/- per month to Rs.8,000/- per month.

5. Since the parents are under matrimonial litigation and both the respondents are minor and residing in the custody of the mother and are in very crucial years of their education and the petitioner is drawing a gross salary of Rs.49,000/- per month, as such, the enhancement of maintenance from Rs.4,000/- per month to Rs.8,000/- month awarded to the respondents, is fair and justified. The argument raised by learned counsel for the petitioner that he is unable to meet his children, cannot be made a ground for declining the said enhancement of maintenance amount. For the said ground, the petitioner has a remedy available under law which can be availed.

6. With the aforesaid observations, the present petition is found to be devoid of merits and is accordingly dismissed.

(HARPREET KAUR JEEWAN)  
JUDGE

12.12.2023  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |