

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRR (F) No.1745 of 2023
Date of decision: 11.12.2023

Snehlata

... Petitioner

Vs.

Vinod Kumar

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Atul Yadav, Advocate,
for the petitioner.

MANISHA BATRA, J.

1. The present revision petition has been filed by the petitioner seeking modification in the order dated 09.10.2023 passed by learned Principal Judge, Family Court, Rewari, Camp Court at Kosli in Maintenance Petition No.MNT125/283 of 2020 titled as Sanehlata v. Vinod Kumar, whereby maintenance to the tune of Rs.5,000/- per month had been directed to be paid by the respondent to the petitioner.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the petitioner had filed the aforementioned petition under Section 125 of Cr.P.C. against the respondent-husband alleging

that she was married with him on 05.03.2003 according to Hindu Rites and Ceremonies. A female child was borne out of the wedlock. The father of the petitioner had given sufficient dowry articles at the time of marriage but the respondent and his family members were not satisfied with the same and they were harassing and torturing her on account of demand of dowry. Besides this, the respondent was having illicit relationship with his sister-in-law. She was thrown out of her matrimonial house on 12.02.2020. While pleading that she was unable to maintain herself whereas the respondent who had retired from Army in April 2015, was running library in Rewari and owned 1.5 acres of land besides four plots in different cities and was earning a sum of more than Rs.90,000/- per month, she had prayed that he be directed to make payment of maintenance to the tune of Rs.35,000/- per month to her.

3. The respondent contested the petition by filing written statement. After granting opportunity to the parties to lead evidence to support their respective pleas, the learned Principal Judge, Family Court vide judgment dated 09.10.2023, directed the respondent to make payment of maintenance to the tune of Rs.5,000/- per month as discussed above.

4. Feeling dissatisfied from the amount so awarded, the petitioner has filed this petition. It is submitted therein and learned counsel for the petitioner has vehemently argued that the impugned order deserves to be modified as while awarding amount of maintenance, the learned Principal Judge ignored the fact that the monthly income of the respondent was

was more than Rs.90,000/- and he was having sufficient means to maintain her. He has argued that the petitioner wife is entitled to maintain same status which is at par with the status of that of her husband. The amount of Rs.5,000/- is meager one and is not at all sufficient to meet her day to day requirements of food, lodging and clothing etc. Hence, he has argued that the impugned order deserves modification.

5. On giving due deliberations to the contentions as raised by the learned counsel for the petitioner and on going through the record, I am of the considered opinion that the petition does not deserve to be allowed. Admittedly and evidently, the minor daughter of the parties is staying with the respondent husband and it is he who is taking care of her day to day requirements of education, medicines clothing and lodging etc. The respondent is admittedly getting pension @Rs.23,045/- per month. Though the petitioner had claimed before learned Principal Judge that the petitioner owned agricultural land but the documentary evidence which had been produced before the Family Court in the form of Jamabandi i.e. Exs.P1 to P3, showed that this land was in the name of the father of the respondent and not the respondent himself. Therefore, any income derived from that land could not be considered to be income of the respondent during the life time of his father who is admittedly alive. The learned Principal Judge after taking all these points into consideration had fixed the maintenance of the petitioner @Rs.5,000/- per month and in my considered opinion, this amount cannot be stated to be meager keeping in view the income of the respondent but is moderate and

sufficient for the maintenance of the petitioner wife. As such, no ground is made out to interfere with the order passed by learned Principal Judge, Family Court, Rewari. Accordingly, finding no merit, the petition is dismissed.

11.12.2023
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No