

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

114

CRR-F-52-2024 (O&M)
Date of order: 29.02.2024

Gunjan Kumari

.....Petitioner(s)

Vs.

Nilesh Kumar & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Saurabh Chobey, Advocate
for the petitioner.

Nidhi Gupta, J.

CRM-1739-2024

This is an application under Section 5 of The Limitation Act read with Section 482 Cr.P.C. for condonation of delay of 356 days in filing the present petition.

No ground is made out to condone such inordinate and extraordinary delay of 356 days in filing the present petition. Present application accordingly stands dismissed.

MAIN CASE

Challenge in the present petition is to order dated 18.11.2022 passed by learned Principal Judge, Family Court, Camp Court at Mohindergarh, whereby in an application filed under Section 125 Cr.P.C. by the petitioner/wife and pro-forma respondent No.2/minor daughter, an amount of Rs.2500/- per month has been granted as final maintenance to the petitioner/wife from the date of filing the petition.

2. Learned counsel for the petitioner inter alia submits that the petitioner was married to respondent No.1 on 26.05.2010. Three daughters were born out of their wedlock, who are admittedly in the care and custody of respondent No.1/husband. It is submitted that respondent No.1 is a very successful man, who is earning handsomely; and therefore, the amount of maintenance awarded by the learned Family Court is meager and deserves to be enhanced.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel for the petitioner and perused the case file in detail.

5. Perusal of record of the case shows that respondent No.1/husband had placed on record his Income Tax Return for the year 2019-2020 (annexed as Exhibit PW2/A before the learned trial Court), in which his gross total income was shown to be Rs.4,14,627/-; Income Tax Return for the year 2020-21 (annexed as Exhibit PW2/B before the learned trial Court), in which income of respondent No.1 was shown to be Rs.4,28,380/-. From the above, it is evident that respondent No.1 was earning only about Rs.21,000/- per month.

6. It has further been admitted by learned counsel for the petitioner/wife that respondent No.1/husband is single-handedly taking care of their three daughters. It has also come on record that respondent No.1 has the added responsibility of his aged mother whom he has to look after. Furthermore, the petitioner has also registered FIR No.29 dated 24.10.2017 under Sections 498-A, 406, 506, 323 and 34 IPC; and there are 7-8 cases pending between the petitioner and respondent No.1. Clearly,

respondent No.1 has numerous liabilities; whereas admittedly, the petitioner has no such liabilities.

7. In view of the facts and circumstances as noted here in above, I am in concurrence with the reasoning and view taken by the learned Family Court in impugned order dated 18.11.2022.

8. The present petition accordingly, stands **dismissed**, on grounds of delay as well as on merit.

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

29.02.2024

Sunena

(Nidhi Gupta)

Judge

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