

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRR(F)-380-2024 (O&M)
Date of decision: 14.03.2024**

Sharmila and another

...Petitioners

Versus

Sandeep

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Surender Saini, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. CRM-11665-2024

Prayer in this application is for condoning the delay of 22 days in filing the present revision petition.

For the reasons stated in the application, the same is allowed and the delay of 22 days in filing the present revision petition is condoned.

2. CRR(F)-380-2024

The present petition has been filed challenging the order dated 21.11.2023, passed by the Additional Principal Judge, Family Court, Sonipat in a maintenance petition titled as ***Sharmila and another vs. Sandeep***, whereby an application filed by the petitioners under Section 127 of Cr.P.C., seeking enhancement of the maintenance allowance, was allowed and the amount of maintenance was enhanced to Rs.10,000/- per month for the petitioner No. 1-Sharmila and Rs.5,000/- per month for petitioner No. 2-Latika.

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3. Brief facts relevant for the purpose of disposal of the present petition are that previously petitioner No. 1 on her behalf and on behalf of petitioner No. 2, who is her 11 years' old daughter, had filed a petition under Section 125 of Cr.P.C. seeking maintenance from the present respondent, who is husband of petitioner No. 1. The said petition was allowed by the then District Judge, Family Court, vide order dated 25.07.2014 and maintenance @ Rs. 5000/- was directed to be paid to the respondents. Subsequently, the petitioners had filed aforementioned petition under Section 127 of Cr.P.C. seeking enhancement of maintenance allowance, wherein the impugned order had been passed by the Family Court, Sonipat after considering the reply and on appraising the evidence produced on record.

4. It is argued by learned counsel for the petitioners that the impugned order dated 21.11.2023, as passed by the Family Court, deserves to be modified and the amount of maintenance, directed to be paid by the respondent, also deserves to be enhanced due to the reason that the order directing the payment of maintenance @ Rs. 5,000/- per month was passed way back in the year 2014, vide order dated 25.07.2014. Ever since that time, not only the cost of living and basic necessities has increased but petitioner No. 2 has also grown up and needs money for the purpose of her education, tutorials, clothing, sports etc. It is further argued that the respondent owns agricultural land. He derives rental income from the residential properties and is also getting handsome salary by working as Gardener in CRPF and, therefore, the petitioners, being wife and daughter respectively of the respondent, are entitled to live with the same status at par with that of the respondent. While passing the impugned order, the Family Court did not take

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all these points into consideration and, therefore, it is argued that the petition be allowed, the impugned order be modified and instead of an amount of Rs.15,000/-, they be directed to be paid an amount of Rs. 50,000/- per month from the respondent as enhanced amount of maintenance.

5. I have heard learned counsel for the petitioners and have also gone through the impugned order carefully.

6. On a perusal of the contents of the impugned order, it is clearly reflected that the marriage between petitioner No.1 and the respondent still subsists. It is also revealed that they are staying separately since long. The Family Court, after considering the evidence produced on record, observed that the monthly income of the respondent was Rs. 51,341/-. It is also observed that the present petitioners had failed to show that the respondent was owning 03 acres of land. However, the respondent himself had admitted that he was having some land with him. The parties had also placed their respective affidavits on record and on the basis of the same, the Family Court had assessed the monthly income of the respondent to be Rs.51,341/-.

7. No doubt, Section 127 of Cr.P.C. empowers a Court to make any alteration in the allowance of maintenance/interim maintenance on proof of change in the circumstances of any person receiving under Section 125, a monthly allowance for the maintenance. The petitioners are certainly entitled to maintain a standard of living which is neither luxurious nor penurious but is yet at par with same dignity and status as that of the respondent and it is the sacrosanct duty of the respondent to provide financial support to them especially when there is nothing on record to show that he has any other dependent. In my opinion, the Family Court has drawn a careful and just

balance between all the relevant factors while determining the financial status of the respondent and the standard of living that the petitioners were accustomed to. The amount so enhanced cannot be stated to be meager. Having taken into consideration all relevant factors, I am of the view that the enhancement as made by the learned Family Court is appropriate. Accordingly, I see no reason to allow this petition and, hence, dismiss the same.

14.03.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No