

2024:PHHC:060288
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CRM-1248-2024 in/and
CRR(F)-211-2023
Date of Decision: 29.04.2024

SANDEEP KAUR

...Petitioner

Versus

VIKRAMJIT SINGH

...Respondent

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

Present: Mr. Manu Loona, Advocate
for the applicant/petitioner.

HARPREET KAUR JEEWAN , J.

CRM-1248-2024

1. The present application has been filed for restoration of the main case i.e. CRR(F)-211-2023 to its original number as the same was dismissed in default for non-prosecution on 19.12.2023 by this Court.

2. Heard.

3. In view of the circumstances mentioned in the application, which is supported by duly sworn affidavit of the learned counsel for the applicant/petitioner, the same is allowed.

4. The main case i.e. CRR(F)-211-2023 is restored to its original number.

Main case

1. Prayer in the present criminal revision petition is for setting aside the impugned order dated 05.01.2023 passed by the Principal Judge, Family Court, Fazilka, whereby the respondent has been directed to pay interim maintenance to

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the petitioner @Rs.7,000/- per month during the pendency of the petition under Section 125 Cr.P.C. The petitioner has sought enhancement of the interim maintenance awarded by the Family Court.

2. Learned counsel for the petitioner *inter alia* contends that interim maintenance amounting to Rs.7,000/- per month has been awarded by the Family Court, Fazilka, which is meagre amount whereas respondent-husband is working in Border Security Force (BSF) since March, 2021 and is getting salary of Rs.32,311/- per month as per the admissions made by the respondent-husband in written statement as well as affidavit of assets and liabilities filed by him (Annexures P-2 and P-3). The petitioner is entitled for enhancement of the interim maintenance awarded by the Family Court by way of modification of the impugned order.

3. I have considered the aforesaid submissions and perused the paper-book.

4. The petitioner had filed an application under Section 125 Cr.P.C. for grant of maintenance, wherein the respondent had admitted relationship of husband and wife between the parties. In the reply (Annexure P-2), both the parties have levelled allegations and counter allegations against each other. The petitioner had alleged that respondent-husband is having illicit relationship with another woman and this fact had been so alleged in the petition filed under Section 125 Cr.P.C. (Annexure P-1), wherein the respondent-husband had also alleged that the petitioner wife had developed relationship with another person namely XXX, who is friend of brother of the petitioner-wife.

5. The allegations and counter allegations are matter of evidence.

6. As per the impugned order, both the parties have filed affidavits of

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assets and liabilities. While awarding the interim maintenance to the petitioner, Family Court has considered the affidavit filed by the respondent-husband wherein he disclosed his monthly income as Rs.32,311/- per month and further submitted that he is undergoing treatment for rupture of his knee ligament and has to spend Rs.20,000/- per month for his own maintenance.

7. Keeping in view the facts of the case and reasons recorded by the Family Court, no ground for interference is made out. The impugned order is well reasoned. The petitioner shall get an opportunity to lead evidence to prove his allegations during the disposal of the petition pending under Section 125 Cr.P.C on merits.

8. Consequently, the present petition stands dismissed.

9. All pending miscellaneous application(s), if any, stands disposed of.

**(HARPREET KAUR JEEWAN)
JUDGE**

29.04.2024
P.Bhatt

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