

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-385-2024(O&M)

Date of order: 18.03.2024

Seema & Another

.....Petitioner(s)

Vs.

Vijender

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

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

Nidhi Gupta, J.

Prayer in the present petition is for enhancement of final maintenance granted to the petitioners vide order dated 31.01.2024 passed by learned Principal Judge, Family Court, Rewari, in an application filed by the petitioners under Section 125 Cr.P.C.

2. Learned counsel for the petitioners inter alia submits that petitioner No.1 was married to the respondent on 08.07.2013. Petitioner No.2 was born out of this wedlock. Vide the impugned order dated 31.01.2024, petitioner No.1/wife has been granted final maintenance of Rs.4,000/- per month from the date of filing the petition till she gets remarried or till respondent remains in Government job, whichever is earlier; and petitioner No.2/child was granted Rs.4,000/- per month as maintenance from the date of filing the petition till he attains the age of majority with increase thereon @ 10% per annum.

3. Learned counsel for the petitioner contends that the respondent is an Income Tax Officer. As per his salary slip placed on record before the learned Family Court as Ex.R2, the respondent was earning Rs.1,10,000/- per month. It is submitted that accordingly, final maintenance as granted by learned Family Court is on the lower side and deserves to be enhanced.

4. No other argument is made on behalf of the petitioners.

5. I have heard learned counsel for the petitioners and perused the case file in detail.

6. Perusal of record of the case shows that the respondent is admittedly a 100% disabled person. When questioned about the nature of disability of the respondent/husband, learned counsel for the petitioner had pleaded ignorance. However, perusal of record shows that the respondent walks on his palms rather than his feet and therefore, he is unable to even move or walk properly.

7. On the other hand, petitioner No.1/wife is not only an able-bodied lady, but she is also admittedly 12th pass. Moreover, it is not denied that the parties have also been granted divorce by the learned Family Court vide decree dated 25.01.2024. It also needs to be considered that the respondent being a 100% disabled person would require a full-time attendant and will have to incur other expenses merely to conduct his day-to-day life.

8. In view of the above factors, I find that no ground is made out to interfere in the impugned order, which is just and fair in the

facts and circumstances of the case. Present petition accordingly stands **dismissed.**

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

18.03.2024		(Nidhi Gupta)
Sunena		Judge
Whether speaking/reasoned	Yes/No	
Whether reportable	Yes/No	