

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-441-2024(O&M)

Date of order: 22.03.2024

Anjna Chaudhary & Another

.....Petitioner(s)

Vs.

Yogesh

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. B.S. Tewatia, Advocate
for the petitioners.

Nidhi Gupta, J.

CRM-13489-2024

This is an application under Section 482 Cr.P.C. for placing on record salary slip of the respondent as Annexure P1 and exemption from filing certified and typed copy of the same and order dated 06.01.2024 passed by learned Family Court, Faridabad.

After going through the contents of the application, which is supported by affidavit of petitioner No.1, the same is allowed subject to all just exceptions and above mentioned documents are placed on record.

MAIN CASE

Prayer in the present petition is for modification of order dated 06.01.2024 passed by learned Family Court, Faridabad whereby the respondent/husband has been directed to pay interim maintenance of

Rs.15,000/- per month to petitioner No.1/wife and Rs.5,000/- per month to petitioner No.2/son along with litigation expenses of Rs.8,000/-.

2. Learned counsel for the petitioners inter alia submits that in the present-day scenario of high inflation and increased expenses of day-to-day living, the amount of Rs.20,000/- per month is very inadequate and hence, the same may be enhanced. It is submitted that respondent is serving with a Multi-National Company at Gurugram as Software Engineer and earning more than Rs.18 lakh per annum.

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

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

5. Perusal of record of the case shows that petitioner No.1 was married to the respondent on 31.10.2017. Petitioner No.2 was born out of this wedlock on 26.09.2019. Due to marital discord, the parties are living separately since 16.02.2020.

6. Perusal of record further shows that as per salary slip of the respondent/husband for the month of May, 2023 (Annexure P1), he is drawing a salary of Rs.1,10,473/- per month. It has also come on record that petitioner No.1 is a qualified lady being BA B.Ed. and MA and it has been alleged by the respondent that petitioner No.1/wife is employed as a Principal in RS Model School in support of which, the respondent had placed on record some photographs before the learned Family Court. Needless to say, the same is a matter of evidence and a final finding will be returned thereupon in due course.

7. It has also come on record that the respondent was ready and willing to keep both the petitioners with him.

8. The provision of Section 125 CR.P.C. unambiguously mandates that maintenance under the said Section is to be granted to the wife “when she is unable to maintain herself”. In the present case, it is still a moot question as to whether petitioner No.1 is able to maintain herself or not. As such, in view of the facts and circumstances of the present case, interim maintenance as granted by the learned Family Court is just fair.

9. In view of the above, I find no ground is made out to interfere in the impugned order. Present petition accordingly stands **dismissed.**

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

22.03.2024		(Nidhi Gupta)
Sunena		Judge
Whether speaking/reasoned	Yes/No	
Whether reportable	Yes/No	