

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-515-2024(O&M)

Date of order: 16.04.2024

Reena

.....Petitioner(s)

Vs.

Sandeep

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Parul Saini, Advocate and
Mr. Vamika Johar, Advocate
for the petitioner.

Nidhi Gupta, J.

Prayer in the present petition filed by the wife is for enhancement of final maintenance of ₹12,000/- per month granted to the petitioner vide order dated 30.01.2024 passed by learned Additional Principal Judge, Family Court, Panipat in petition under Section 125 Cr.P.C..

2. Learned counsel for the petitioner inter alia submits that petitioner is a household lady and she has no movable or immovable property in her name and she has no independent source of income and she is totally dependent on her family members; whereas the respondent/husband is an able-bodied person serving as Clerk in CBI and drawing a salary of Rs.56,000/- per month. It is submitted that accordingly, the final maintenance granted to the petitioner 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 the petitioner was married to the respondent on 10.12.2018. No child was born out of this wedlock. The parties lived together only for a period of about 4 months and have admittedly been living separately since 12.04.2019.

6. Perusal of record further evidences that the petitioner is a qualified BBA (Bachelor of Business Administration). This fact has been admitted by the petitioner in her cross-examination also. On a direct Court query as to whether the petitioner is working, learned counsel for the petitioner has stated that she is not working.

7. At this stage, reference may be made to judgment of the Hon'ble Supreme Court in case of **Bhushan Kumar Meen v. Mansi Meen Allas Harpreet Kaur (SC) : Law Finder Doc Id # 547724**. In the said case too, the wife albeit well qualified, was not working. Accordingly, the Hon'ble Supreme Court had held that *"However, having regard to qualifications that Wife possesses, there is no reason why she ought not to be in a position to also maintain herself in future..."*, and had accordingly reduced the amount of interim maintenance granted to the respondent wife.

8. The Karnataka High Court in **Smt. Shilpashree J. M. Vs. Gurumanjunatha A.S., 2023 SCC OnLine Kar 36**, has held as under:-

"8. The records also disclosed that before marriage petitioner No.1 was working as is evident from her cross examination. Her cross examination also reveals that she was residing along with her mother. It is also evident from her admission that, even after her

desertion she continued to stay in the rented house along with her mother itself and the allegation does establish that she was not interested to stay with respondent Nos. 2 to 4. It is an admitted fact that at the instance of the present petitioner No. 1, a separate house was taken on rent and now the petitioners i.e., wife and child are residing therein along with her mother, but she was reluctant to stay with her mother-in-law and unmarried sister-in-law. It is an admitted fact that respondent No. 1- husband is running provision stores. Further, he is having responsibility of taking care of his mother and unmarried sister. Admittedly, the petitioner No. 1 was working prior to her marriage and it is asserted that after marriage she resigned the said job. But, there is no explanation as to why she is incapable of working now. She is not supposed to sit idle and seek entire maintenance from her husband and she is also legally bound to make some efforts to meet her livelihood and she can seek only supportive maintenance from her husband".

(Emphasis supplied)

9. Furthermore, although before the learned Family Court it was the case of the respondent that the petitioner is working as a Tailor, however, as he had adduced no proof in respect of the said contention, learned Family Court rejected the same. In compliance of direction of learned Family Court, the respondent had placed on record his salary slip for the month of December, 2023 as Annexure A, as per which the gross income of the respondent was shown to be Rs.56,136/- per month and after necessary deductions his net income comes to be Rs.52,005/- per month. Learned Family Court has also found that the respondent has additional responsibility and liability of his old aged and ailing parents. It was in these circumstances that the petitioner has been granted Rs.12,000/- per month as final maintenance.

10. Ld. Counsel for the petitioner has not been able to controvert or dispute the above said factual and legal position.

11. Accordingly, I find the impugned order to be just and fair in the facts and circumstances of the case. No ground is made out to interfere in the same. **Dismissed.**

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

16.04.2024

Sunena

(Nidhi Gupta)

Judge

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