

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-3897-2014 (O&M)
Date of order: 20.02.2024

Savita

.....Petitioner(s)

Vs.

Vipin Handa

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Achin Gupta, Advocate
for the petitioner.

Mr. Rajesh Bhatheja, Advocate
for the respondent.

Nidhi Gupta, J.

CRM-3450-2014

This is an application under Section 482 Cr.P.C. for placing on record Annexures P1 and P2.

After going through the contents of the application, the same is allowed, subject to all just exceptions and Annexures P1 and P2 are taken on record.

CRM-3451-2014

This is an application under Section 482 Cr.P.C. for exemption from filing certified and true typed copies of Annexures P1 and P2.

After going through the contents of the application, the same is allowed, subject to all just exceptions.

MAIN CASE

Present petition under Section 482 Cr.P.C. is filed, seeking quashing of the order dated 05.10.2013 (Annexure P2) passed by learned Sessions Judge, Faridkot to the extent whereby the Revision Petition filed by the respondent has wrongly been partly accepted; and reducing the amount of maintenance of Rs.4200/- per month granted vide order dated 10.08.2011 (Annexure P1) passed by learned JMIC, Faridkot, to Rs.3,000/- per month from the date of filing the petition till the date of decision i.e. 10.08.2011; and seeking enhancement of amount of maintenance from the date of filing the petition till the date of decision i.e. 10.08.2011 from Rs.3,000/- to Rs.5,000/- per month.

2. Learned counsel for the petitioner/wife inter alia submits that the petitioner was married to the respondent on 23.11.2005. Admittedly, the parties are residing separately since 2006. No child was born out of their wedlock. Learned counsel submits that the petitioner is aggrieved with part of the impugned order dated 5.10.2013 to the extent, whereby maintenance of Rs.4200/- per month granted vide order dated 10.08.2011 (Annexure P1) passed by learned JMIC, Faridkot, has been reduced to Rs.3,000/- per month from the date of filing the petition till the date of decision i.e. 10.08.2011. It is contended that there was no reason or ground made out for the learned Sessions Judge to modify the said order. Ld. counsel for the petitioner candidly admits that he has no grievance with the maintenance of ₹5000/- per month.

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. In an application filed by the petitioner under Section 125 Cr.P.C., the learned trial Court vide order dated 10.08.2011 (Annexure P1), had granted interim maintenance of Rs.4200/- per month to the petitioner. Thereafter, the petitioner had sought enhancement of the above said maintenance and had thus, approached the learned Sessions Judge, Faridkot by way of Criminal Revision RT No.165 dated 30.09.2011. The respondent too had laid challenge to the order dated 10.8.2011 by way of Criminal Revision RT No.169 dated 27.09.2011. Both the aforementioned Revision Petitions were disposed of by the learned Sessions Judge vide common order dated 05.10.2013, whereby both the Revision petitions were partly accepted and the impugned order of maintenance dated 10.08.2011 was modified to the extent that instead of ₹4200/- per month, the petitioner was held entitled to maintenance @ of Rs.3,000/- per month from the date of filing of the petition till 10.08.2011; and thereafter, entitled to maintenance @ Rs.5,000/- per month from 10.08.2011 onwards. The petitioner is aggrieved of the order dated 05.10.2013 only to the limited extent that her maintenance of Rs.4200/- has been reduced to Rs.3,000/- per month; and she has no grievance with respect to the final maintenance granted to the tune of Rs.5,000/- per month.

6. I find no error whatsoever in the impugned order. The petitioner was married to the respondent on 23.11.2005 and it is an admitted fact on record that the petitioner remained in the matrimonial home only for four months. Even no child was born out of the wedlock.

Accordingly, for a marriage of four months the respondent has admittedly, been regularly paying the said maintenance of Rs.5,000/- per month to the petitioner till date. As such, I find no ground is made out to enhance maintenance @ of Rs.3,000/- per month from the date of filing of the petition till 10.08.2011. Reference may be made to judgment of Hon’ble Karnataka High Court in **Shlipashree J. M. Vs. Gurumanjunatha A.S., 2023 SCC OnLine Kar 36**, wherein it has been held that the wife *“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”*.

7. In view of the above, I find no merit in the present petition, and the same is accordingly, **dismissed**.
8. Pending application(s) if any also stand(s) disposed of.

20.02.2024
Sunena

(Nidhi Gupta)
Judge

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