129 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR(F)-688-2024 (O&M)
Date of Decision: 09.09.2024

PREETI AND ANOTHER

......PETITIONERS

Vs.

AMIT DHIR

.........RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Sandeep Arora, Advocate,
for the petitioners.

*****

HARPREET KAUR JEEWAN J.

1. The present Criminal Revision Petition has been filed for enhancement of the interim maintenance awarded by the learned Family Court, Jalandhar, in case MNT No. 90 of 2019. Petitioner No. 1-wife has been granted interim maintenance to the tune of ₹30,000/- per month, whereas petitioner No. 2-minor daughter has been granted interim maintenance @ ₹15,000/- per month under Section 125 Cr.P.C.

2. I have heard learned counsel for the petitioner and perused the paper-book carefully.

3. The Family Court has passed the impugned order granting interim maintenance during the pendency of the petition under Section 125 Cr.P.C. after considering the pleadings of the parties and the recital in their affidavits.

4. The relationship between the parties is not disputed. It is not disputed that the maintenance amount awarded must be reasonable and should not be extremely high or extremely low.

5. The income tax returns filed by the parties Ex. PW-1/ZA to Ex. PW1/ZD were considered by the Family Court. However, the net assessed income of the respondent-husband is shown as ₹1,72,000/- approximately (annual income). But the trial Court has observed that the respondent-husband has purposely shown less income in the income tax return on the basis of the averment made in Part-IV, Paragraphs No. 41 and 42 of the affidavit. The Family Court has observed that the respondent has admitted that his monthly income is ₹1,72,025/- in the said part of his affidavit. The said recital in the affidavit has been treated as an admission of the respondent regarding his monthly income of ₹1,72,000/-. As such, a sum of ₹30,000/- per month has been awarded as interim maintenance to petitioner No. 1-wife and a sum of ₹15,000/- per month has been awarded to petitioner No. 2-minor daughter.

6. I have perused the said affidavit Annexure P-2. The Family Court has overlooked the fact that the petitioner has mentioned his monthly income as ₹14,350/- in Part-I, Column No. 10 of the affidavit and he has categorically alleged in Column No. 12 of the said part that he is Income Tax Assessee. The educational qualification of the respondent is VIth Class pass as per the said affidavit. He has alleged himself to be self-employed and further stated that he is having 50% share in the partnership of M/s Ganpati Agencies. In Part-IV, Paragraph No. 41 of his affidavit, he has further mentioned that his working remuneration is ₹60,000 and he is getting

₹1,11,015, as interest on capital. Even in paragraph No. 42, he has mentioned his salary as ₹5,000/- per month and he has shown to be getting annual interest as ₹1,11,015/-. On the basis of the said recitals there appears to be a clerical error in Paragraph No. 45 where his income as ₹1,17,025/- is written as monthly income.

7. Keeping in view the facts and circumstances of the present case, issuance of formal notice to the respondent is dispensed with.

8. On the basis of ₹5,000/- per month, the annual salary of the respondent comes to ₹60,000/- and taking into consideration the annual interest of ₹1,11,015/-, the total annual income comes to ₹1,17,015/-.

9. Keeping in view the totality of these circumstances, the petitioners are not entitled for any enhancement of interim maintenance as sought in the present petition.

10. As such, the present petition is devoid of any merits seeking the relief of enhancement and is accordingly dismissed.

11. However, nothing observed hereinabove will be taken to be a comment/observation on the actual merits of the case.

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

September 09, 2024 **(HARPREET KAUR JEEWAN)**
nitin **JUDGE**

Whether Speaking Yes/No
Whether reportable Yes/No