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**112 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRR(F)-895-2024 (O&M)****Date of Decision: 17.07.2024****JYOTI AND OTHERS****.....PETITIONERS****Vs.****KRISHAN KUMAR JAIN****.....RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN****Present:-** Mr. Vikram Rana, Advocate,  
for the petitioners.**\*\*\*\*\*****HARPREET KAUR JEEWAN J.****CRM-27702-2024**

1. By this application, the applicant-petitioner seeks condonation of delay of 128 days in filing the present Criminal Revision Petition.
2. In view of the averments made in the application, which is duly supported by an affidavit of the applicant-petitioner No. 1, the application is allowed and the delay of 128 days in filing the present petition is hereby condoned.

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1. The challenge in the present Criminal Revision Petition is to the order dated 05.12.2023 (Annexure P-2) by way of seeking relief of enhancement of the maintenance awarded to the petitioners, vide the said impugned order, passed by the learned Principal Judge, Family Court,

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Bhiwani, in a petition under Section 127 of the Code of Criminal Procedure, 1973 (for short '*the Cr.P.C.*').

2. Learned counsel for the petitioners *inter alia* contends that initially the Family Court, Bhiwani awarded a sum of ₹5,000/- to the petitioners, vide judgment dated 10.11.2017 in CIS Case No. MNT-488-2014, vide order dated 10.11.2017 (Annexure P-1). The petitioners filed a petition under Section 127 Cr.P.C. bearing Case No. MNT-354-2019, wherein the amount of maintenance was enhanced and a sum of ₹10,000/- per month was awarded to petitioner No. 1, and a sum of ₹5,000/- per month each was awarded to both the minor petitioners No. 2 and 3. The said enhancement is insufficient as the living costs has been increased many folds and the same is not sufficient for the petitioners to meet with their day to day expenses.

2.1 It is further contended that the respondent is having rental income from the property and she is also doing business. The said income has not been considered by the Family Court.

3. I have considered the aforesaid contentions and perused the paper-book.

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

5. As per the order dated 10.11.2017 (Annexure P-1), passed by the Family Court under Section 125 Cr.P.C., the quantum of maintenance was determined, keeping in view the copy of the '*Jamabandi*' for the year 2012-13 (Ex. P-1), as per which the respondent is recorded as owner of 1/8th share in the said agricultural land measuring 74 Kanals and 04 Marlas,



situated at Village Chang, Tehsil & District Bhiwani. The Income Tax Returns for the Financial Years 2010-11 to 2014-15 were also considered reflecting the annual income as ₹2,31,052/-. Petitioner No. 1 was awarded a sum of Rs. 3,000/- per month and petitioners No. 2 and 3 were awarded a sum of Rs. 1,000/- per month each as maintenance in the year 2017.

6. It is further observed that the Family Court, while considering the application of the petitioner under Section 127 Cr.P.C that the said judgment was passed six years prior to the filing of the application under Section 127 Cr.P.C. It was observed that the petitioner's son is a student of 10<sup>th</sup> standard, whereas petitioner's daughter is a student of 7<sup>th</sup> Standard and the petitioner (wife) is pulling on her family by doing labour work day. While relying upon the GST returns of the firm which are though not exhibited but Mark C-22 and C-23, the Family Court considered the monthly income of the respondent as ₹60,000/- per month and enhanced the maintenance to petitioner No. 1 from ₹3,000/- per month to ₹10,000/- per month and regarding petitioners No. 2 and 3, the maintenance was enhanced from ₹1,000/- per month to ₹ 5,000/- per month each.

7. Learned counsel for the petitioners had failed to show any such document which was proved before the Family Court by way of proving the Income Tax Returns or any other documentary proof showing that the income of the respondent is more than ₹60,000/- which has been assessed by the Family Court.

8. In view of such circumstances, the impugned order dated 05.12.2023 (Annexure P-2) is well reasoned and does not suffer from any irregularity or illegality.



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- 9.                      Consequently, the present petition stands dismissed.
- 10.                    Pending miscellaneous application(s), if any, shall also stand disposed of.

July 17, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes

No