

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR-F-423-2022(O&M)

Date of order: 21.03.2024

Geeta Sharma

.....Petitioner(s)

Vs.

Gurmeet Chand Sharma

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gautam Bhardwaj, Legal Aid Counsel
for the petitioner.

Nidhi Gupta, J.

By way of present petition, petitioner/wife has sought modification of order dated 12.04.2021 passed by learned Additional Principal Judge, Family Court, Ludhiana, whereby application filed by the petitioner/wife under Section 127 Cr.P.C. for enhancement of maintenance allowance has been allowed, but enhancement granted thereby is grossly inadequate.

2. Learned counsel for the petitioner inter alia submits that vide the impugned order, the petitioner has been granted final maintenance of only Rs.10,000/- per month. Learned counsel states that in the present-day scenario of high inflation and increased expenses of day-to-day living, the amount of Rs.10,000/- per month is very inadequate and hence, the same may be enhanced. It is further submitted that it is established on record that the respondent/husband is drawing a net salary of Rs.40,277/- per month. As such, the petitioner is entitled to be granted

maintenance to the tune of 50% of the net salary of the respondent. It is also submitted that the petitioner/wife is suffering from various ailments and therefore, has to incur heavy expenses for medical treatment to the extent of Rs.4,000/- to Rs.5,000/- 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. Perusal of record of the case shows that the petitioner had filed a maintenance petition bearing No.MNT/540031/2020 dated 14.06.2020 under Section 125 CR.P.C. against the respondent/husband, which was allowed vide order dated 16.10.2015 by learned JMJC, Ludhiana and the petitioner was granted final maintenance of Rs.3,000/- per month from the date of petition. Thereafter, the petitioner had filed the present application under Section 127 Cr.P.C., which has been allowed by the learned Family Court, Ludhiana on the ground that in the intervening period, the respondent has been working as Postal Assistant at Speed Post Branch, General Post Office, Chandigarh, and is drawing a salary of Rs.40,277/- per month. In this regard, the petitioner had also examined as PW2, Shingara Singh Sandhu, Public Relation Officer, General Post Office, Sector 17, Chandigarh, who had placed on record and proved attested copies of original statements of gross salary of the respondent as Ex.PW2/1 to Ex.P2/13.

6. The respondent was proceeded against ex parte before the learned Court below. Keeping in view the entire relevant facts, the

learned Family Court had enhanced the amount of maintenance of Rs.3,000/- per month to Rs.10,000/- per month. I find no infirmity in the impugned order. No change in circumstances has been reported since passing of impugned order. Admittedly, no child has been born out of the wedlock of the petitioner and the respondent. It is also not the case of the petitioner that the respondent is not regularly paying the maintenance so awarded. Moreover, the petitioner is an able-bodied person. As such, in my view, no ground is made out before this Court to show as to why the said maintenance should be enhanced.

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

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

21.03.2024		(Nidhi Gupta)
Sunena		Judge
Whether speaking/reasoned	Yes/No	
Whether reportable	Yes/No	