

PANKAJ KUMAR

V/S

KAVITA RANI AND OTHERS

...Petitioner

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lajpat Rai Sharma, Advocate for
Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Kanishk Sarup, Advocate for
respondents.

HARPREET SINGH BRAR J. (Oral)

1. By way of present petition, the petitioner has assailed the order dated 31.01.2022 passed by learned Principal Judge, Family Court, Hisar in case bearing CIS No. MNT 125/235/2020, instituted on 20.07.2020, whereby the learned Court below has allowed the application of the respondents under Section 127 of Cr.P.C., on the basis of compromise and enhanced the same to the tune of Rs. 15,000/- per month w.e.f. February, 2022.
2. Learned counsel for the petitioner *inter alia* contends that vide order dated 02.04.2019, an amount of Rs. 8,000/- was granted as monthly maintenance by the learned Family Court to the respondents. In the interregnum, respondent No. 1 filed an application under Section 127 of the Code of Criminal Procedure for enhancement of the aforementioned amount. It is further contended that the impugned order dated 31.01.2022 was passed in the absence of the counsel for the petitioner. The petitioner is undergoing medical treatment for depression and reliance in the regard has been placed upon the medical prescription (Annexure P-1) and it is further contended that

statement in the absence of his counsel to the say that he is willing to pay Rs. 15,000/- per month as maintenance. The statement made by the petitioner before the learned Family Court was under the influence of respondent No. 1 and it cannot be treated as a voluntary statement.

3. Mr. Kanishk Sarup, Advocate has put in appearance on behalf of the respondents and filed his power of attorney. Same is taken on record. Learned counsel for the respondents submits that the petitioner cannot be allowed to make a U-turn, after appearing before the learned Family Court, Hisar and voluntarily making a statement to the effect that he is willing to pay an amount of Rs. 15,000/- as monthly maintenance and the medical prescription (Annexure P-1) is procured from a private Hospital, which cannot be relied upon and the learned Family Court has passed a well reasoned order and even Rs. 15,000/- is not sufficient to sustain three lives.

4. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it is evident that the Court below has duly considered the material placed before it for determining the quantum of maintenance. A careful and just balance has been drawn, keeping in view the spiralling inflation rates and high cost of living corresponding to the reasonable needs of the respondents. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which warrants interference by this Court. Accordingly, the present petition is dismissed being bereft of any merit.

(HARPREET SINGH BRAR)
JUDGE

01.04.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No