

**CRR (F) No.251 of 2016 (O&M)**

**-1-**

**Neutral Citation No.2024:PHHC:002193**

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRR (F) No.251 of 2016 (O&M)  
Date of decision: 08.01.2024**

Satender

... Petitioner

Vs.

Smt. Sunil and another

... Respondents

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Thakan, Advocate,  
for the petitioner.

Mr. Rajesh Kumar Dhankhar, Advocate,  
for the respondents.

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**MANISHA BATRA, J.**

1. The instant revision petition has been preferred by the petitioner against the order dated 14.07.2016 passed by the Court of learned District Judge, Family Court, Bhiwani in Maintenance Petition No.MNT-46 of 2015 titled as Smt. Sunil and another v. Satender as filed under Section 127 of Code of Criminal Procedure whereby, he was directed to pay enhanced amount of maintenance.

2. As culled out from the record, the respondents had filed a petition under Section 125 of Cr.P.C. bearing No.308 of 2012 titled as Sunil and another v. Satender, seeking maintenance, from the present petitioner being his wife and daughter respectively. The said petition had been disposed of on 05.04.2013 in view of a statement given by the petitioner that he was ready to pay an amount of Rs.5000/- per month to each of the respondents. Subsequently, the respondents filed the

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aforementioned petition under Section 127 of Cr.P.C. seeking enhancement in the amount of maintenance of Rs.5000/- per month as per order dated 05.04.2013. The learned Family Court after considering the rival claims of the parties and appraising the evidence produced by them, partly allowed this petition vide the impugned order dated 14.07.2016 and directed the petitioner to pay amount of Rs.15,000/- per month to respondent No.1 and Rs.10,000/- per month to respondent No.2.

3. Learned counsel for the petitioner has vehemently argued that once the order dated 05.04.2013 had been passed by the concerned Court for payment of amount of Rs.5000/- per month as maintenance to both the respondents, then within a period of three years, no such new circumstance had arisen which warranted seeking enhancement in the amount of maintenance by the respondents. He argued that the learned Family Court erred in holding that there was increase in the price index without considering that no material had been brought on record by the respondents to prove so. With these broad submissions, learned counsel for the petitioner has argued that the impugned order dated 14.07.2016 be set aside, the petition filed by the petitioner be accepted and the petition of the respondents be dismissed.

4. Learned counsel for the respondents, on the other hand, argued that the petitioner was a Government employee posted as PTI in Education Department who was fetching handsome income. In the month of July 2021-22 itself his gross salary was Rs.85,592/-. Respondent No.1

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was suffering from Idiopathic Ulcerative Colitis which was a chronic disease. She had to regularly remain on medicines. The price index had been increased manifold in the meanwhile. The learned Family Court had passed a well reasoned order. Therefore, he argued that the petition was devoid of any merit and was liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length.

6. It is not in dispute that the marriage between the petitioner and respondent No.1 is still subsisting. The parties are residing separately since long. It was vide order dated 05.04.2013 that the present petitioner had been directed to pay maintenance to the tune of Rs.5000/- per month each to the present respondents, in view of a statement recorded by him before Daily Lok Adalat. Section 127 of Cr.P.C. empowers a Court to make any alteration in the allowance of maintenance/interim maintenance on proof of change in the circumstances of any person receiving under Section 125, a monthly allowance for the maintenance. It is apparent from the record that not only the salary of the petitioner has been increased manifold but there is a great escalation in the price of essential goods, educational expenses as well as medical expenses in the meanwhile. The respondent No.1 has placed material on record to show that she is suffering from some ailment and requires recurring medical expenditure. The respondent No.2 has become major in the meanwhile but there is nothing to show that she had become financially independent

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or was got married at the time of passing of the impugned order. The respondents are certainly entitled to maintain a standard of living which is neither luxurious nor penurious but yet at par with same dignity and status as that of the petitioner and it is the sacrosanct duty of the petitioner to provide financial support to them especially when there is nothing on record to show that he has any other dependent. In my opinion, the learned Family Court has drawn a careful and just balance between all the relevant factors while determining the financial status of the petitioner and the standard of living that the respondents were accustomed to. The amount so enhanced cannot be stated to be extravagant nor it is meager. Having taking into consideration all relevant factors, I am of the view that the enhancement as made by the learned Family Court is appropriate. Accordingly, I see no reason to allow this petition and hence dismiss the same. It is, however, clarified that the respondent No.2 shall be entitled to receive the enhanced amount of maintenance only till the date till she is financially dependent upon the petitioner or marries and not thereafter.

7. Miscellaneous application(s), if any, also stand disposed of.

08.01.2024  
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(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No