



CRR(F)-1428-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-1428-2024 (O&M)

DATE OF DECISION: 12.11.2024

DEEPIKA

.....PETITIONER

Vs.

SURESH KUMAR

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sachin Ohri, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The petitioner is seeking enhancement of the maintenance, awarded by the Family Court, Pathankot under Section 125 Cr.P.C. @ ₹10,000/- per month, vide impugned judgment dated 05.09.2024.

2. It has been noticed that though the petitioner has alleged that respondent-husband has gone to Canada and is working there but she could not prove the relevant documents, i.e. the Work Permit, copy of the Passport and a copy of the Permanent Resident Card of the respondent-husband, as well as the documents regarding the ownership of property of the respondent-husband. These documents have been submitted before the Family Court, as referred in paragraph No. 4 of the impugned order as Mark H to Mark J.

2. Counsel for the petitioner submits that the petitioner who is living in India could not prove these documents as the Work Permit and Permanent Resident Card were issued from the foreign country.



3. It has been noticed that the respondent was ex-parte. He did not chose to contest the petition. Apart from this, it has also been noticed that the petitioner has mentioned in paragraph No. 7 of the petition that even the mother of the respondent-husband has filed a civil suit against the petitioner, i.e. Civil Suit No. 899 of 2023, titled Champa Rani vs.Deepka pending before the Civil Judge, (Junior Division), Pathankot, for 29.10.2024. These circumstances indicate that the family of the respondent-husband is well aware of the present litigation. The mother of the respondent-husband had filed a Civil Suit but the petitioner had preferred not to contest the petition filed by the present petitioner before the Family Court seeking maintenance.

4. Faced with the above, counsel for the petitioner seeks permission to withdraw the present petition with the liberty to file afresh seeking enhancement before the Family Court under Section 127 Cr.P.C. as and when she would be in a position to produce/prove the requisite documents regarding the income of the respondent.

5. Disposed of with the liberty aforesaid.

NOVEMBER 12, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No