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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-1187-2024 (O&M)
Date of Decision: 21.01.2025

Suman

....Petitioner

Versus

Manoj

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Chanderhas Yadav, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for impugning the order dated 12.08.2024 passed by learned Principal Judge, Family Court, Jhajjar under Section 125 of the Code of Criminal Procedure for granting maintenance only to the extent of Rs.7,000/- per month with a prayer for enhancement of the aforesaid amount of maintenance which has been awarded to the petitioner-wife.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the marriage between the parties took place on 15.06.2011 and two children were born out of the wedlock who are admittedly residing with the respondent-husband and they are school going children. He submitted that it is the case of the petitioner-wife that in the year 2018, she was thrown out of the matrimonial home by the respondent-husband and since then she is living separately with her parents and is not earning anything. He further submitted that it is the case of the respondent-husband that he has to take care of his two school going children and the income of the husband is only



Rs.67,904/- per month and the mandatory deduction towards GPF is Rs. 4,000/- per month alongwith some electricity charges and EMI of housing loan. He submitted that since the respondent-husband is getting a salary of about Rs. 64,000/- per month and the petitioner-wife is not earning any income, the amount of maintenance which has been fixed by learned Family Court to the tune of Rs. 7,000/- per month is on a lower side because the petitioner-wife is not working anywhere and she needs more money to live her normal life and therefore, the aforesaid amount may be enhanced.

2. I have heard the learned counsel for the petitioner.

3. Learned Family Court while deciding the petition under Section 125 of the Code of Criminal Procedure took into consideration various aspects pertaining to the financial status of the parties and various other relevant factors. The marriage between the parties is not disputed. It is also not disputed that there are two children out of the wedlock and both the children are school going and are under the care and custody of the respondent-husband. Admittedly, the petitioner-wife is residing separately from her husband since 07.07.2018. As per the affidavits and the pleadings, it was proved on record that the respondent-husband had a gross salary of Rs. 67,904/- per month and a mandatory deduction towards GPF is Rs. 4,000/- per month. Alongwith the above, he also has to pay some electricity charges and also paying of EMI of housing loan. As per the affidavit of income, assets and expenditure furnished by the respondent-husband, he is having one flat which is owned by him.

4. So far as the petitioner-wife is concerned, it has come on record that she has capability to earn livelihood in view of the fact that she is having a cutting and tailoring diploma and is a student of 3rd/last year of GNM Course which is nursing course and she can earn money and with regard to nursing

also, she has a potential to earn.



5. Learned Family Court while weighing and making a balance between the financial status of the parties and the fact that two school going children are in the care and custody of the respondent-husband and his income was only Rs. 64,000/- per month and also the fact that the petitioner-wife is already having a cutting and tailoring diploma and is pursuing her last year of nursing course and is having a potential to earn, fixed a maintenance of Rs. 7,000/- per month.

6. This Court after hearing the learned counsel for the petitioner and perusing the impugned judgment is of the considered view that considering the totality of the aforesaid facts and circumstances and the financial status of the parties and also the fact that two children who are school going children are with the respondent-husband is of the view that the aforesaid amount of Rs, 7,000/- per month which is awarded as a maintenance to the petitioner-wife is not on a lower side. This Court is of the considered view that there is no illegality and perversity in the impugned order passed by learned Family Court.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

21.01.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No