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Section 127 in The Code Of Criminal Procedure, 1973


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Punjab-Haryana High Court

Naresh Kumar vs Meena Kumari on 8 January, 2015

CRR (F) 5 of 2015

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CRR (F) 5 of 2015

Date of Decision: January 8, 2015

Naresh Kumar

.....Petitioner

Vs.

Meena Kumari

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-.-

Present:- Ms. Jigyasa Tanwar, Advocate
for the petitioner.

-.-

M.M.S. BEDI, J. (ORAL)

The maintenance awarded to the respondent wife has been enhanced in the exercise of powers under [Section 127 Cr.P.C.](#), by the Family Court, from Rs.1500/- per month to Rs.4000/- p.m. There is limited scope for interference.

Counsel for the petitioner has vehemently contended that petitioner is unemployed and there is no material placed on the record to indicate that the wife is entitled to get enhanced maintenance on account of rise in the price index.

SANJAY GUPTA 2015.01.09 17:35 I attest to the accuracy and integrity of this document High Court Chandigarh CRR (F) 5 of 2015 [2] I have heard learned counsel for the petitioner and gone through the impugned order. It is apparent from the impugned order that the petitioner is a qualified Engineer and also owner of agricultural property. 19 documents have been placed on record by the respondent wife. It is not believable that an educated professional Engineer would be without a job being a resident of Delhi.

Counsel for the petitioner has also submitted that the respondent wife is also working as a teacher and drawing a sum of Rs.5000/- to Rs.6000/-.

The said contention even if accepted will not absolve the petitioner from maintaining his wife by contributing for her maintenance, to live a life of dignity. The amount of Rs.4000/- per month awarded as enhanced maintenance does not appear to be exorbitant calling for any interference.

Counsel for the petitioner has submitted that the agricultural land is actually not owned by the petitioner but by his step father and is not in possession of the petitioner.

The said fact does not appear to be relevant for determining the maintenance as the petitioner is apparently a qualified Engineer prima facie having sufficient resources to earn his livelihood and has simultaneous liability to maintain his wife.

Dismissed.

January 8 , 2015
sanjay

(M.M.S.BEDI)
JUDGE

SANJAY GUPTA
2015.01.09 17:35
I attest to the accuracy and
integrity of this document
High Court Chandigarh