

(1988) 11 P&H CK 0017

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No"s. 4194-M and 4195 of 1988

Ravi Kanta

APPELLANT

Vs

Parshotam Dev

RESPONDENT

Date of Decision: Nov. 1, 1988

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 125

Hon'ble Judges: Harbans Singh Rai, J

Bench: Single Bench

Advocate: Suresh Amba, for the Appellant; R.L. Sarin and Mr. A.S. Grewal, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Harbans Singh Rai, J.

This order will dispose of Criminal Misc. No. 4194-M of 1988, and Criminal Revision No 1370 of 1986.

2. Ravi Kanta Petitioner in Criminal Misc. No. 4194-M of 1988 and Respondent in Criminal Revision No. 1370 of 1986 was married to Parshotam Dev, again Petitioner in Criminal Revision No. 1370 of 1986 and Respondent in Cr. Misc. No. 4194-M of 1988. They lived happily till 1975. A son was born to the parties and after the birth of the son relations became strained. A compromise was effected on March 16, 1981, and parties again started living together. But after 2/3 months Ravi Kanta was again turned out which led to this litigation. She filed an application for maintenance u/s 125, Cr. P. C. The Chief Judicial Magistrate, Hoshiarpur, granted her maintenance at the rate of 100/- P. M vide his order dated April 24, 1986. Both the parties went in revision to the Court of Sessions. The revision filed by Parshotam Dev was dismissed, but the revision filed by Ravi Kanta resulted in the enhancement of maintenance from Rs. 100/- P. M to Rs. 250/- P. M. Feeling aggrieved, Parshotam Dev has filed Criminal Revision No. 1370 of 1986, Ravi Kanta has filed Criminal Misc.

4194-M of 1988 u/s 482, Criminal Procedure Code, for enhancing the maintenance further to Rs. 500/- P. M.

3. I have heard the learned Counsel for the parties. The monthly income of Parshotam Dev has been assessed to be about Rs. 800/-to Rs 1000/- per month by the Additional Sessions Judge. Parshotam Dev has admitted that his family income is Rs. 20,000/- per annum from the land. Taking this family income of Rs. 20,000/- per annum and his capacity to make his own earning, the assessed income i. e. Rs. 800/-to Rs. 1000/- P. M. appears to be reasonable. The revisional Court i. e. Additional Sessions Judge had made a correct assessment that the income of Parshotam Dev may be between Rs. 800/- to Rs. 1000/- P.M.

4. Taking the income of Parshotam Dev to be between Rs 800/-to Rs. 1000/- P. M-, the amount of maintenance awarded by the Additional Sessions Judge i. e. Rs. 250/- per month is not unreasonable. It may not be possible for a human being now to have two meals a day in less than Rs. 250/- per month. The amount of maintenance awarded is reasonable and just.

5. As the maintainence awarded by the Additional Sessions Judge e Rs. 250- P. M is reasonable and just, both the petitions i.e. Criminal Revision No. 1370 of 1986 filed by Parshotam Dev and Criminal Misc. No. 4194-M of 1988 filed by Ravi Kanta are dismissed and the order of the Additional Sessions for granting maintenance at the rate of Rs. 250/- P.M. is uphold.