
**Lakhwinder Singh Vs Manjeet Kaur and Another
 Manjeet Kaur and
Another Vs Lakhwinder Singh**

CRM M-5521 and 8075 of 2011

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 22, 2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) â€” Section 125#Hindu Marriage Act, 1955 â€” Section 13

Hon'ble Judges: Nawab Singh, J

Bench: Single Bench

Advocate: G.S. Sandhu, in CRM M-5521 of 2011 and Mr. Pritam Saini, in CRM M-8075 of 2011, for the Appellant;

Judgement

Nawab Singh, J.

This order disposes of aforesaid two revisions arising out of judgments dated May 3rd, 2010 and November 25th, 2010

passed by Judicial Magistrate First Class, Kurukshetra and Additional Sessions Judge, Kurukshetra respectively. By aforesaid orders, Manjeet

Kaur-wife and Harnam Singh alias Saxam-son of Lakhwinder Singh were granted maintenance allowance at the rate of Rs. 2500/-and Rs. 1500/-

per month respectively on the application filed by them u/s 125 of Code of Criminal Procedure.

2. Criminal Misc. M-5521 of 2011 has been filed by Lakhwinder Singh-husband seeking reduction of maintenance allowance.

3. Criminal Misc. M-8075 of 2011 has been filed by Manjeet Kaur and Harman Singh alias Saxam seeking enhancement of maintenance

allowance.

4. Manjeet Kaur was married with Lakhwinder Singh on April 6th, 2003. Harman Singh was born on November 16th, 2004. Their relations

became strained. Since July 2005, Manjeet Kaur is residing in her parents"s house. She is being looked after by them. Lakhwinder Singh filed a

petition u/s 13 of the Hindu Marriage Act. A decree of divorce was passed in his favour by judgment and decree dated March 3rd, 2008 by

Additional District Judge, Kurukshetra. Against the said order, Manjeet Kaur preferred an appeal before this Court which is pending adjudication.

5. It was pleaded in the application filed u/s 125 of the Code of Criminal Procedure that Lakhwinder Singh is serving in Indian Army in the rank of

Naib Subedar drawing salary of Rs. 9000/-besides, having agriculture land measuring 3.5 acres from which the income was stated to be Rs.

5000/-per month. The application was filed in the year 2006.

6. Learned Counsel for Manjeet Kaur has placed on record salary certificate of Lakhwinder Singh issued by Military Authorities (Annexure P-3).

As per the certificate, the salary of Lakhwinder Singh is Rs. 19,413/- per month.

7. Authenticity of the Salary Certificate has not been disputed by Learned Counsel for Lakhwinder Singh. Counsel for Lakhwinder Singh has

urged that Lakhwinder Singh has to support his parents as well.

8. It is proved from the salary certificate (Annexure P-3) that Lakhwinder Singh is drawing salary of Rs. 19,413/-per month. A judicial notice can

be taken of the fact that army officials are provided with free ration. The cost of living has increased manifold. It is established principle of law that

while dealing with the ambit and scope of the provision contained in Section 125 of the Code, it has to be borne in mind that the dominant and

primary object is to give social justice to the women, child and infirm parents etc. and to prevent destitution and vagrancy by compelling those who

can support those who are unable to support themselves but have a moral claim for support.

9. Taking into consideration the fact that Manjeet Kaur is residing separately with her son since July 2005, the son is about 8 years, he is studying in

a school at Babain and that the salary of Lakhwinder Singh is Rs. 19,413/-, the maintenance allowance of Manjeet Kaur-wife is enhanced from

Rs. 2500/-to Rs. 4000/-and that of the son from Rs. 1500/-to Rs. 3000/-, that is, in all Rs. 7000/-per month. The enhanced maintenance

allowance shall be payable from the date of filing of petition by the wife, that is, March 15th, 2011. For the reasons recorded supra, the revision

filed by Lakhwinder Singh is dismissed and the revision filed by Manjeet Kaur and Harnam Singh is accepted in the manner indicated above.