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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-304-2024 (O&M)
Date of Decision: 04.02.2025

Lajwanti

....Petitioner

Versus

Om Parkash Chutani

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dhiraj Jindal, Advocate, for the petitioner.

Mr. Manoj Chadha, Advocate, for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed by the petitioner-wife in which she has prayed that the impugned order dated 12.01.2024 passed by learned Additional Principal Judge, Family Camp Court, Pataudi, Gurugram whereby an interim maintenance of Rs. 1,500/- per month has been fixed be set aside or modified and the interim maintenance be enhanced.

2. While giving the brief facts of the case, learned counsel appearing on behalf of the petitioner submitted that the petitioner-wife is of the age of 69 years and the respondent-husband is of the age of 71 years and both of them have retired. He submitted that the petitioner retired as a Punjabi Teacher from MDC Primary School, Delhi and the respondent retired as a Supervisor from DTC, Delhi in the year 2016. He submitted that after the retirement of the petitioner, the pension was not admissible and she is not getting any pension, whereas the respondent is getting pension and he has neglected in maintaining her and therefore, the petitioner was entitled for reasonable amount of interim



maintenance, whereas learned Family Court had granted Rs.1,500/- per month which is on a lower side. He further submitted that the respondent is having sufficient source of income and there are even FDRs in his name.

3. On the other hand, learned counsel appearing on behalf of the respondent submitted that it is a case where both the petitioner and the respondent were in the Government job and they have retired and now they are at the evening of their life. He submitted that the respondent is 71 years of age and is having number of medical ailments and has three children from the earlier wedlock. He submitted that learned Family Court had granted interim maintenance of Rs.1,500/- per month to the petitioner because of the reason that the pension of the respondent is only Rs. 2,288/- per month, whereas it has been so assessed by learned Family Court to be Rs. 3,200/- per month which was against the record and the truthful position will be stated before learned trial Court at the time of adducing evidence because the main petition under Section 125 Cr.P.C is still pending. He submitted that in fact the respondent is drawing pension of only Rs.2,288/- per month and the petitioner who has also retired as a Government teacher had received huge amount at the time of retirement and although she was not having any pension which otherwise can be proved only at the time of adducing evidence before the learned trial Court. He submitted that learned Family Court had granted interim maintenance of Rs. 1,500/- per month to the petitioner because the pension of the respondent was Rs. 2,288/- per month and therefore, the interim maintenance amount exceeded 50% and even otherwise also that was on a higher side. He also submitted that the respondent being an old person of the age of 71 years is also suffering from number of medical ailments and it is not a case that the petitioner was not having any source of income because admittedly she had retired as a Government teacher from a school in Delhi and had received huge



amount of money at the time of retirement and, therefore, the present revision petition may be dismissed.

4. I have heard the learned counsels for the parties.

5. It is an unfortunate case where an old couple of the age of 69 years and 71 years are fighting with each other pertaining to grant of maintenance. Be that as it may, learned Family Court while ascertaining the grant of interim maintenance to the petitioner had granted only Rs.1,500/- per month as interim maintenance to the petitioner and the pension of the respondent is stated to be Rs. 2,288/- per month. Both the husband and the wife were in the Government job and they have retired. Although the respondent is having three children but as per the learned counsel for the respondent, they are from the earlier wedlock. After hearing the learned counsels for the parties and perusing the order passed by learned Family Court whereby an interim maintenance of Rs.1,500/- per month has been granted, this Court is of the considered view that there is no illegality and perversity in the impugned order passed by learned Family Court and particularly in view of the fact that the scope of the revision petition is very limited.

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

04.02.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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