



**CRR(F)-157-2016(O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRR(F)-157-2016 (O&M)**

Date of Decision:-16.05.2025

**Hema**

...Petitioner

Vs.

**Chhotu Ram Dhatarwal**

...Respondent

**CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Kapil Kumar Khattar, Advocate for petitioner.

Mr. K.S.Dhanora, Advocate for respondent.

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**AMARJOT BHATTI, J.**

1. The petitioner – Hema filed present criminal revision against impugned judgement dated 21.03.2016 passed by learned District Judge, Family Court, Hisar vide which application filed under Section 127 Cr.P.C. was allowed and the amount of maintenance was enhanced from Rs.2,000/- per month to Rs.4,000/- per month from the date of filing of petition. Feeling aggrieved of this judgment, present criminal revision has been filed.

2. Facts of the case indicate that petitioner Hema had filed petition under Section 125 Cr.P.C. which was decided in her favour vide order dated 22.12.2009 by learned District Judge, Family Court, Hisar granting



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her maintenance at the rate of Rs.2,000/- per month. Thereafter, she filed petition under Section 127 Cr.P.C. seeking enhancement of aforesaid maintenance by filing petition in January, 2013. In the said petition it was alleged that she was not doing any job and she had no sufficient means to maintain herself. The maintenance granted in her favour was insufficient to meet her daily expenses. On the other hand, respondent was serving in Indian Army getting salary of Rs.40,000/- per month. She claimed enhanced maintenance at the rate of Rs.20,000/- per month and litigation expenses to the tune of Rs.11,000/-.

3. The petition was opposed by respondent denying the facts. It was alleged that she was share holder in 20 acers of land owned by her father. The said property had come from forefathers, therefore, she was having share in the same by birth. Apart from this, she was doing tailoring and embroidery work, thus earning more than Rs.20,000/- per month. It was denied that due to increase of prices, she is entitled to enhanced amount of maintenance. Therefore, it was prayed that petition filed by her under Section 127 Cr.P.C. is liable to be dismissed.

4. In order to prove the facts narrated in the petition, Hema stepped into the witness box as PW-1 and closed evidence by tendering salary statement of respondent Exhibit P-5. On the other hand, respondent Chhotu Ram Dhattarwal stepped into the witness box as RW-1 and closed the evidence after tendering documents Exhibit R-1 to R-5.

5. After hearing arguments advanced by learned counsel for both the parties, said petition was allowed by passing impugned judgment dated



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21.03.2016 vide which the maintenance amount was enhanced from Rs.2,000/- per month to Rs.4,000/- per month from the date of filing of petition along with litigation expenses as detailed therein.

6. Learned counsel for petitioner argued that petitioner is unemployed lady having no source of income. Now she is about 50 years of age and does not keep good health. The factual position was not rightly considered by learned District Judge, Family Court, Hisar. Enhanced maintenance awarded by learned District Judge, Family Court, Hisar is meager. On the other hand, respondent has remarried. It is conceded that after retirement from Indian Army, he is drawing pension. Learned counsel for petitioner has annexed some photographs to show that at present respondent is doing the business of selling vegetables. Considering the present-day expenses, petitioner is entitled to enhanced amount of maintenance.

7. On the other hand, learned counsel representing respondent opposed the present revision taking the stand that firstly, respondent has retired from Indian Army and is drawing pension. He has remarried having a wife and two children. He is looking after his family. The petitioner is having agricultural land. She is having sufficient means to maintain herself. Present revision has been filed only to harass the respondent.

8. I have considered the arguments advanced before me. Factual position is not much disputed. It is rightly pointed out that initially, present petitioner was granted maintenance of Rs.2,000/- per month vide judgment dated 22.12.2009. She filed petition under Section 127 Cr.P.C. on



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19.01.2013 which was allowed vide impugned judgment dated 21.03.2016 and the quantum of maintenance was enhanced from Rs.2,000/- per month to Rs.4,000/- per month from the date of filing of petition. I have gone through the contents of the judgment passed by learned District Judge, Family Court, Hisar who has rightly considered the objective of the provisions under Section 125 Cr.P.C. The court has rightly considered the facts and circumstances of the case. After divorce, petitioner has not remarried. On the other hand, after divorce respondent has got married and now he is having a wife and two children to look after. Apart from getting pension from the Indian Army, he is also doing the business of selling vegetables. It cannot be ignored that respondent is having great responsibility to look after his wife and children out of second marriage.

9. Considering the quantum of pension and the responsibility which he is to shoulder, the claim of petitioner for maintenance to the tune of Rs.20,000/- per month is highly excessive and unjustified. On the other hand, considering the expenditure when the petition was filed under Section 127 Cr.P.C., the enhanced maintenance at the rate of Rs.4,000/- per month also appears towards the lower side.

Therefore, considering the overall facts and circumstances of the case, present criminal revision is accepted partly by modifying the impugned judgment dated 21.03.2016 and the quantum of maintenance is further enhanced from Rs.4,000/- per month to Rs.5,000/- per month from the date of filing of petition before learned District Judge, Family Court, Hisar.

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With the aforesaid modification, present criminal revision filed by petitioner is accordingly disposed of.

10. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

16.05.2025

*Sunil Devi*

**(AMARJOT BHATTI)  
JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No