



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

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1. **CRR(F)-449-2023 (O&M)**
Reserved on: 01.09.2025
Pronounced on: 05.09.2025

ASHOK KUMAR **...Petitioner**

V/S

VEENA RANI **...Respondent**

2. **CRR(F)-1036-2024 (O&M)**
Reserved on: 01.09.2025
Pronounced on: 05.09.2025

VEENA RANI **...Petitioner**

V/S

ASHOK KUMAR **...Respondent**

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Ms. Vidushi Kumar, Advocate (through video conferencing)
for the petitioner in CRR(F)-449-2023 and
for the respondent in CRR(F)-1036-2024.

Mr. Kulwant Singh Boparai, Advocate and
Mr. Jatinder Jot Boparai, Advocate
for the petitioner in CRR(F)-1036-2024 and
for the respondent in CRR(F)-449-2023.

SHALINI SINGH NAGPAL, J. (ORAL)

This common order determines two revision petitions captioned
above, both challenging order dated 13.12.2022 of learned Additional Principal

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Judge, Family Court, Ludhiana, (Camp Court at Payal), deciding the petition under section 127 Cr.P.C. Revisionist in CRR(F)-1036-2024, is seeking modification of the impugned order by enhancement of maintenance allowance to Rs. 20,000/- per month, while the revisionist in CRR(F)-449-2023 prays that the impugned order be set aside.

For better appreciation and clarity, the parties shall be referred to as husband and wife.

The facts, relevant for disposal of the matters, are that the parties were married on 04.04.1984 according to Hindu Rites and Ceremonies and out of the wedlock, a son Harvinderpal Singh was born. The wife and the minor child filed an application under Section 125 Cr.P.C. in the Court of learned Judicial Magistrate Ist Class, Ludhiana, which was decided on 05.03.1999 and maintenance allowance of Rs. 400/- per month was assessed for the wife and Rs. 300/- for the minor child. On 16.05.2003, the wife and the child filed an application under Section 127 Cr.P.C. for enhancement of maintenance, which was decided on 06.08.2011. During pendency of that petition, the child attained majority and the petition was withdrawn on his behalf. Maintenance allowance of Rs. 400/- per month was enhanced to Rs. 2,000/- per month under Section 127 Cr.P.C., for the wife.

On 02.06.2017, another application under Section 127 Cr.P.C. was filed by the wife for further enhancement of maintenance allowance to Rs.20,000/- per month. The husband contested the petition primarily on the ground that he had the liability to maintain and support his ailing father besides

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other social liabilities and the wife, who had obtained lacs of rupees from him, had enough balance and was earning interest on the same.

Parties were invited to lead evidence. The wife examined herself as AW-1 and reiterated her pleaded case on oath. She also examined Surinder Kumar Upper Division Clerk, PSPCL, Malerkotla as AW-2, who brought the salary record of the husband-Ashok kumar working as Junior Engineer in the office. He stated that gross salary of the husband was Rs. 92,661/- and placed on record the salary certificate Ex. P-1.

Respondent-husband examined himself as RW-1 and tendered his affidavit Ex. R-1, reiterating his pleaded stand.

Learned Additional Principal Judge, Family Court, Ludhiana, after hearing respective counsels and upon appreciation of the evidence led, held the wife entitled to maintenance @ Rs. 15,000/- per month w.e.f. 02.06.2017 till 31.07.2021. Maintenance w.e.f. 01.07.2021 was awarded @ Rs. 10,000/- per month. Petitioner-wife also was awarded litigation expenses of Rs. 11,000/- per month. The petition under Section 127 Cr.P.C. was allowed in part. Aggrieved with the determination, both husband and wife are before this Court.

Ms. Vidushi Kumar, Advocate for the husband argued that the wife had, time and again concealed material facts from the Court. She claimed in her cross-examination that she was maintaining her son withholding that he had already attained majority in the year 2003. She also concealed that the husband had already retired in 2021. She falsely stated in her affidavit of assets and liabilities that she had three dependents, through her son was major. It was



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submitted that the wife conceded in cross-examination that respondent's father was ailing. Her claim that she was living on rent was also *per se* false in view of her sworn affidavit furnished in the Court according to which she was residing in her parental home. She admitted that 50% salary of the husband was attached by orders of this Court and she had already received Rs. 7,50,000/- in four years. It was argued that the wife was equipped with a *Prabhakar* degree and was working as a Hindi Teacher till 2019, a fact which she deliberately concealed. In fact, she was mostly residing in Canada with her son and brother, while the husband was also supporting his ailing father with his meagre pension.

Learned counsel alleged that the impugned order was passed without considering the facts and circumstances of the case. Prices had increased for both the parties and income of the wife was also required to be taken into consideration. Referring to judgments of Hon'ble Supreme Court in *Smt. Jasbir Kaur Sehgal Vs. The District Judge, Dehradun* 1997(4) RCR(Civil) 65 and *Bhagwan Dutt Vs. Smt. Kamla Devi and Another* 1975 AIR SC 83 of the High Court of Delhi bearing No. Crl. Rev. P. 56/2018 pronounced on 10.06.2022 titled *Jyoti @ Gayatri Vs. Rohit Sharma @ Santosh Sharma*, she prayed that the order enhancing maintenance was not sustainable.

Learned counsel further argued that the husband retired on 31.07.2021 and was merely getting pension of Rs. 35,200/- per month. Therefore, order granting maintenance @ Rs. 15,000/- per month before



retirement and Rs. 10,000/- per month, after retirement was erroneous and deserved to be set aside.

Mr. Kulwant Sigh Boparai, Advocate, appearing on behalf of the wife argued that after marriage in the year 1989, the wife was turned out of the matrimonial home in the year 1988 and since then, she had been working as a house-help. Finding it difficult to make both ends meet with Rs. 2,000/- per month, assessed as maintenance allowance, she filed the petition under Section 127 Cr.P.C. and duly proved salary of the husband, which was about Rs. 92,661/- in November 2019. Learned Additional Principal Judge, Family Court, Ludhiana Camp Court Payal, insufficiently assessed the maintenance amount ignoring the reasonable wants of the wife and financial capacity of the husband. He prayed that order dated 13.12.2022 of learned Additional Principal Judge, Ludhiana, be modified and maintenance allowance be enhanced. To support his contentions, he referred to judgment of this Court in CRR(F)-887-2023 decided on 16.05.2024 titled *Shamsher Singh Vs. Sunita Rani*.

Undisputedly, vide order dated 06.08.2011, learned Judicial Magistrate Ist Class, Ludhiana, in a petition under Section 127 Cr.P.C., enhanced maintenance allowance of the wife from Rs. 400/- per month to Rs. 2,000/- per month, considering the status in life of the parties, the bare necessities required and other unforeseen contingencies. The second application for enhancement of maintenance allowance was filed after a period of almost 06 years and the same was decided vide impugned order on 13.12.2022, 11 years after the first enhancement.



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Relevant portion of Section 127 Cr.P.C, which provides for alteration in allowance reads as under:

*“1. On proof of a change in the circumstances of any person, receiving, under section 125 a monthly allowance for the maintenance or interim maintenance, or ordered under the same section to pay a monthly allowance for the maintenance, or interim maintenance, to his wife, child, father or mother, as the case may be, the Magistrate may make such alteration, as he thinks fit, in the allowance for the maintenance or the interim maintenance, as the case may be.; Provided that if he increases the allowance, the monthly rate of five hundred rupees in the whole shall not be exceeded.
Xxxx”*

The above provision permits increase or decrease of the maintenance allowance, consequent to a change in circumstances of the parties at the time of application in alteration of original order of maintenance.

Hon’ble Supreme Court in ***Bhagwan Dutt Vs. Smt. Kamla Devi and Another*** 1975 AIR SC 83 held that the word circumstances as appearing in Section 127 Cr.P.C. must include financial circumstances and in that view, the enquiry as to the change of circumstances must extend to the change of financial circumstances.

In the case of ***Krishnendu Das Thakur Vs. The State of West of Bengal and Ors., (2019) SCC Online 969***, the Calcutta High Court has held:

“The words change in circumstances are used in the Code of Criminal Procedure. The expression 'change in circumstances' in Section 489 Cr.P.C. now Section 127 of the Code of Criminal Procedure is wide enough to cover the cost of living, income of the parties, etc. In both the Code of Criminal Procedure and the Protection of Women from Domestic Violence Act, 2005, the words change in circumstances are used in connection with alteration of an order of maintenance.”

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The amount of maintenance once fixed under Section 125(1) Cr.P.C. is not a static order for all times to come. For the purpose of Section 127(1), it must be shown by the party concerned that there has been a change in the circumstance of either the husband or of the wife. It is subject to change/modification/variation on both sides and can be increased or decreased as per the changed circumstances. The object behind the Legislation is to ensure that a fair share, according to changed income or changed circumstances is granted to the wife.

Reverting to the facts of the case, the wife examined Surinder Kumar, Upper Division Clerk, PSPCL, Malerkotla, on 03.12.2019 who brought the summoned record relating to salary of the husband working as Junior Engineer in the office. He stated that gross salary of the husband was Rs. 92,661/- per month. Basic salary was Rs. 27,750/-, grade pay Rs. 5,450/-, DA @ 142% amounting to Rs. 49501/-, interim relief Rs. 1660/-, Medical Rs. 500/-, HRA Rs. 3486/- and other allowance of Rs. 2092/- per month. Ex. P-1 is the salary certificate, which was duly proved on record. The witness also stated that carry home salary of the husband, after deductions, was Rs. 75,282/-. Undisputedly, at the time of enhancement of maintenance in the first instance, salary of the husband was only Rs. 25,000/- per month. This is evident from the copy of order dated 06.08.2011. In the period of 08 years, the salary of the husband increased from Rs. 25,000/- to Rs. 92,661/-, carry home salary being Rs. 75,282/-. There is certainly a change in the financial circumstances of the husband, which learned trial Court rightly considered while enhancing the



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maintenance from Rs. 2,000/- to Rs. 15,000/- per month w.e.f. 02.06.2017 till
the retirement of the husband i.e. 31.07.2021.

During the course of arguments, it has not been disputed that the husband retired during the pendency of petition and that after retirement he was drawing pension of Rs. 35,200/- per month. This is also reflected in the affidavit of income, assets and liabilities filed by the husband. On that account, learned Additional Principal Judge rationalized the maintenance allowance, reducing it to Rs. 10,000/- per month after retirement. The future change in financial circumstances have also been duly kept in mind while enhancing the maintenance.

The argument of learned counsel for the husband that the wife had concealed the material and true facts from the Court lacks merit. Even if the son had attained majority in 2003, the wife would still require a reasonable amount for her comfortable living in accordance with the lifestyle of her husband. She is permitted by law to claim maintenance from her husband, though she may be living with her son. (See CRR(F)-887-2023 titled *Shamsher Singh Vs. Sunita Rani*, decided on 16.05.2024) The petition under Section 127 Cr.P.C. discloses in para 2 that Harvinderpal Singh had attained majority. In cross-examination, the wife admitted that the husband had retired and also that his father was ailing. There was thus, no concealment by her. Her version in cross-examination that she was living on rent, in contradiction to her stand in the affidavit that she was living in her parental home, is not material enough to non-suit her. The argument that the wife was working as a Hindi Teacher, which fact was deliberately concealed is beyond the pleaded case of the husband and cannot be

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taken note of. Arrears of maintenance recovered by the wife is also not a relevant financial circumstance which required consideration.

To determine the quantum of maintenance, the Court is required to consider various factors, such as the financial capacity of the husband, reasonable expenses for his own maintenance, dependent family members he is liable to maintain under law, his standard of living, spiralling inflation rate, high cost of living, reasonable wants of the wife. Amount of maintenance assessed must be enough to make provision for food, clothing, shelter and medical facilities etc. of the wife and ought to be commensurate to the status in life of the husband. The wife, at the time of filing the petition for enhancement was about 56 years of age. In the evening of life, she would require expenditure on her medical treatment as well. Learned Additional Principal Judge, Family Court, Ludhiana, Camp Court, Payal, has correctly considered the evidence led by the parties including documentary evidence, affidavits of income, assets and liabilities, increased rate of inflation and reasonably assessed maintenance allowance. The enhancement from Rs.2,000/- to Rs. 15,000/10,000/-, cannot be said to be excessive or arbitrary. At the same time, it cannot be said to be inadequate.

There can be no dispute as to the proposition of law in the judgments cited by learned counsel for the husband. The judgments, however, are of no help in the facts and circumstances of the case.

There is, however, one error in the order. Besides awarding monthly maintenance of Rs. 15,000/10,000/- per month to the wife, learned Additional Principal Judge, Family Court, Ludhiana, Camp Court Payal, has



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also awarded litigation expenses of Rs. 11,000/- per month. While, the award of maintenance is not to be disturbed, the order requires modification in respect of the litigation expenses, which are to be awarded as a one time measure and not on monthly basis. To this extent, order dated 13.12.2022 of learned Additional Principal Judge, Family Court, Ludhiana, Camp Court, Payal, is modified. Instead of Rs. 11,000/- per month, the wife shall be entitled to one time payment of Rs. 11,000/- as litigation expenses.

Consequently, the revision petition filed by the wife, bearing No. CRR(F)-1036-2024 is dismissed. The petition filed by the husband bearing No. CRR(F)-449-2023 stands disposed of on the aforesaid terms, modifying order dated 13.12.2022. Record be sent back to the concerned Court.

(SHALINI SINGH NAGPAL)
JUDGE

Reserved on: 01.09.2025
Pronounced on: 05.09.2025
Ajay Goswami

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No