
(2011) 12 UK CK 0025

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 597 of 2011

Smt Swinky Arora

APPELLANT

Vs

State of Uttarakhand and Shri Gagan Kumar Arora

RESPONDENT

Date of Decision : 19-12-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125, 482

Citation : (2011) 12 UK CK 0025

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of Code of Criminal Procedure, 1973, the petitioner has sought enhancement of interim maintenance directed to be paid by Judge Family Court, Hardwar, in Case No. 41 of 2010 filed u/s 125 of Cr.P.C.

3. Brief facts of the case, are that, admittedly the petitioner Smt Swinky got married to respondent no. 2 Gagan Kumar Arora on 14th of April 2008, at Hardwar. It appears that relations between the two soured. The petitioner (wife) moved an application u/s 125 of Cr.P.C., seeking maintenance from her husband (respondent no. 2) at the rate of Rs. 15,000/- per month. She pleaded that she is unable to maintain herself. She further pleaded that her husband's salary is Rs. 35,000/- per month, and he is neglecting to maintain her. During the pendency of the application u/s 125 of Cr.P.C., an application 6C was moved for interim maintenance. After hearing the parties, the trial court, vide its order dated 10.02.2011, directed the respondent no. 2 Gagan Kumar Arora to pay maintenance at the rate of Rs. 1,000/- per month. Aggrieved by said order this petition is filed by the wife for enhancement of interim maintenance.

(4) Learned Counsel for the petitioner submitted that it is ridiculous to direct the husband to pay only Rs. 1,000/- per month, as interim maintenance to his wife

particularly when in his application he has admitted that his salary is Rs. 24,000/- per month.

(5) I have gone through the affidavit, counter affidavit and rejoinder affidavit filed by the parties, and the copy of objection filed by the husband before the trial court against the application for interim maintenance. In Para 14 of his objection he has admitted that his salary Rs. 24,000/- per month. He has also pleaded that his wife earns Rs. 3,000 to 4,000 to doing stitching and knitting etc. However, that can not not be said to be regular source of income of the wife.

6. Shri Nagesh Aggarwal, learned counsel for the respondent no. 2 pleaded that the wife is living in her parental house without any sufficient cause. However, said fact is required to be examined after hearing the parties lead their evidence in the main petition. Considering the economic status of the respondent no. 2, and the fact that the wife is unable to maintained herself, this court finds that the wife is entitled to atleast Rs. 5,000/- per month from her husband as interim maintenance as admittedly he is getting salary of Rs. 24,000/- per month as an Executive and Finance Manager.

7. Accordingly, the petition u/s 482 of Cr.P.C., is disposed of enhancing the interim maintenance from Rs. 1,000/- to Rs. 5,000/- per month to be paid by the husband (respondent no.2 Gagan Kumar Arora) to his wife until the disposal of the petition filed u/s 125 of Cr.P.C. The impugned order dated 10.02.2011, passed by Judge Family Court, Hardwar, stands modified accordingly from the date the trial court has directed to pay the interim maintenance.