

**In the court of Ms. Ramneet Kaur, PCS,
Sub Divisional Judicial Magistrate,
Jalalabad (West).**

CNR No.PBFZB1-001875-2018

Date of Institution: 15.11.2018

CIS No.MNT127/145/2018

Date of Decision: 29.02.2020

Simran alias Swarana Rani, aged about 35 years, wife of Sandeep son of Panjab Ram (daughter of Ram Chand), resident of village Mohan Ke Hithar, Tehsil Jalalabad, District Fazilka.

.....Applicant

Versus

Sandeep son of Ram Chand alias Panjab Ram, resident of village Rana, Tehsil & District Fazilka.

.....Respondent

**APPLICATION UNDER SECTION 127 CR.P.C. FOR
ENHANCEMENT OF THE MAINTENANCE.**

Present: - Sh. R. P. Chuchra, Advocate, counsel for the applicant.
Respondent exparte.

J U D G M E N T:

1. The present petition under Section 127 of the Code of Criminal Procedure has been filed by the applicant, for enhancement of the maintenance from respondent.

2. In brief, the case of the applicant is that originally the applicant filed an application under Section 125 Cr.P.C. titled as Simran alias Swarana Rani Vs. Sandeep in the Court of Sh. Tarntaran Singh Bindra, the then Learned Sub Divisional Magistrate, Jalalabad(W) against the respondent. On the application of the applicant, the aforesaid Learned SDJM awarded maintenance allowance of Rs.1500/- per month as maintenance for the applicant vide order dated 28.07.2012. In view of rising price index of commodities of daily necessities of life and also to meet with expenses of applicant as per living status of respondent, the applicant needs enhancement of Rs.20,000/- per month from Rs.1500/- per month for herself. It is further averred that the respondent is hale and hearty and a man of having about 06 acres of agricultural fertile land at village Mumbeke, Tehsil Fazilka. Besides this, the respondent used to cultivate the land on lease basis and also used to sell the milk of cows and buffaloes. On the other hand, the applicant is unable to maintain herself with the maintenance allowance of Rs.1500/- already granted to her by way of enhancement as per order dated 28.07.2012. Therefore, the maintenance allowance be enhanced to Rs.20,000/- per month from Rs.1500/- per month from the date of this application along with other Rs.15,000/- as expenses of litigation including the counsel fee etc. Hence, the present application.

3. Upon issuance of notice of the application, respondent failed to appear in the court and ultimately, he was proceeded against *exparte* vide order dated 11.04.2018.

4. Applicant No.1 to prove her version examined herself as AW1 and tendered her affidavit Ex.AW1/A, copy of order dated 28.07.2012 Ex.A1, AW2 Gourav, who tendered his affidavit Ex.AW2/A,

Thereafter, learned counsel for the applicant tendered in evidence *jamabandi* for the year 2010-2011 Ex.A2, *khasra girdawri Sauni* 2017, Harri 2018 Ex.A3, copy of order dated 11.02.2019 passed by Sh. Tarsem Mangla, Learned District Judge, Fazilka Ex.A4 and closed the evidence of the applicant.

5. I have heard learned counsel for the applicant and have carefully gone through the file. Applicant Simran to prove her version examined herself as AW1 and vide her affidavit Ex.AW1/A, has reiterated the contents of her application and also tendered in evidence the certified copy of order dated 28.07.2012 of the Court of Sh. Tarntaran Singh Bindra, the then learned SDJM, Jalalabad in the petition titled as Simran Vs. Sandeep, whereby the maintenance amount to the tune of Rs.1500/- per month was allowed to the applicant.

Applicant also examined AW2 Gourav, who vide his affidavit Ex.AW2/A has deposed that applicant is his maternal aunt and he

corroborated the version of the applicant. Counsel for the applicant also tendered in evidence jamabandi for the year 2010-11 Ex.A2, khasra girdawari Ex.A3, attested copy of order dated 11.02.2019 of the Court of Sh. Tarsem Mangla, Ld. District Judge, Fazilka in the case titled as Sandeep Kumar Vs. Simran qua petition u/s 24 of Hindu Marriage Act, whereby the present applicant has been granted maintenance to the tune of 4000/- per month to the applicant alongwith litigation expenses.

6. The applicant has filed the present application contending that she has been awarded maintenance allowance to the tune of Rs.1500/- per month vide order Ex.A1 but in view of rising price index of commodities of daily necessities of life and also to meet with expenses as per living status she needs enhancement of Rs.20,000/- per month from Rs.1500/- per month. Perusal of order Ex.A1 reflects that she was granted maintenance to the tune of Rs.1500/- per month. Also the jamabandi Ex.A2 reflects that Sandeep Kumar is having share in the land detailed therein, khasra girdawari Ex.A3 reflects that Sandeep Kumar has transferred his share in favour of Sumitra Bai. But its been long when the maintenance order in favour of the applicant was passed. It is clear that in view of rising price index of commodities of daily necessity of life, expenses as per living status increases. Hence, the applicant is hereby entitled to the maintenance to the tune of Rs.2,000/- per

month from the date of this application. Hence, the application is hereby allowed. File be consigned to Judicial Record Room, Jalalabad(W).

**Pronounced in open Court.
Dated: 29.02.2020**

(Sandeep, Steno-III)

**(Ramneet Kaur) PCS,
Sub Divisional Judicial Magistrate
Jalalabad (West).
(UID No.PB0326)**

