

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4432/2013

(Arising out of impugned final judgment and order dated 30/11/2012
in CRLM No. 25184/2011 passed by the High Court Of Punjab &
Haryana At Chandigarh)

JAGDISH KAUR

Petitioner(s)

VERSUS

RAGHUBIR SINGH

Respondent(s)

(With office report)

Date : 14/08/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

Mr. Satwinder Kaur, Adv.
Mr. Devvrat ,Adv.

For Respondent(s)

Mr. Sanjay Sarin, Adv.
Ms. Gagan Deep Kaur, Adv.
Ms. Manjusha Wadhwa ,Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.
The appeal is disposed of in terms of the signed
order.

(DEEPAK MANSUKHANI)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER

(The signed order is placed on the file)

Signature Not Verified

Digitally signed by
Deepak Mansukhani
Date: 2014.08.19
17:07:08 IST
Reason:

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 1728 OF 2014
(Arising out of SLP(Crl.) No(s). 4432 of 2013)

JAGDISH KAUR

Appellant(s)

VERSUS

RAGHUBIR SINGH

Respondent(s)

O R D E R

Leave granted.

A very short issue, in a narrow compass, arises for consideration in this case. The appellant herein had filed a petition under Section 125 of the CrPC for grant of maintenance against the respondent herein who is her husband. The Magistrate had granted maintenance at the rate of Rs. 250/- per month. As the appellant was not satisfied with the rate of maintenance, she filed appeal against the said order. The Appellate Court enhanced the maintenance to Rs. 1500/- per month. Revision was filed by the respondent husband challenging the order. The order is maintained insofar as revision is concerned but modified the order of the Appellate Court in granting enhanced amount from the date of the order.

The only grievance raised in this appeal is that the maintenance should have been granted from the date of the application and not from the date of the order. The issue is more res integra. This Court in *Sau Suman Narayan Niphade and another Vs. Narayan Sitaram Niphade and another* 1996 SCC (Cri.) 53 has categorically held that the enhanced maintenance is to be from the date of the application and not from the date of order of the Appellate Court. Accordingly, that portion of the impugned judgment of the High Court modifying the order of the Appellate Court and granting maintenance from the date of order is set aside and the order of the Appellate Court is restored. It is made clear that the appellant shall be entitled to maintenance of Rs. 1500/- per month from the date of the application.

The appeal stands disposed of accordingly.

.....J.
(J. CHELAMESWAR)

.....J.
(A.K. SIKRI)

NEW DELHI
AUGUST 14, 2014.