

**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

**CrMMO No. 108 of 2019**  
**Decided on: September 30, 2019**

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Smt. Pawna Devi and others .....Petitioners

Versus

Sh. Ram Singh ...Respondent

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Coram

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**  
**Whether approved for reporting<sup>1</sup>?**

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For the petitioners: Mr. Neel Kamal Sharma, Advocate.

For the respondent: Mr. Bhuvnesh Sharma, Advocate.

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**Sandeep Sharma, J. (Oral)**

Petitioners herein filed a petition under S.12 of the Protection of Women from Domestic Violence Act, 2005, against the respondent, claiming therein compensation to the tune of Rs.15,000/- per month. Learned Additional Chief Judicial Magistrate, Nadaun, District Hamirpur, Himachal Pradesh, vide order dated 28.9.2016, awarded a sum of Rs.5,000/- as maintenance in favour of the petitioners. Being aggrieved and dissatisfied with the quantum of maintenance awarded by learned Court below, respondent preferred an appeal before learned Sessions Judge, under S.29 of the Act *ibid*, who vide impugned judgment dated 28.1.2019, partly allowed the appeal and modified the amount of maintenance awarded by learned

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Whether reporters of the Local papers are allowed to see the judgment? .

trial Court from Rs.5,000/- to Rs.3500/-. In this background, petitioners have come before this Court, in the instant proceedings filed under S.482 CrPC, praying therein to enhance the maintenance, after setting judgment dated 28.1.2019 passed by learned Sessions Judge, Hamirpur in Cr. Appeal No. 40 of 2016.

**2.** Having taken note of the nature of controversy *inter se* parties, this court made a serious attempt towards amicable settlement *inter se* parties. On 31.7.2019, petitioner No. 1, who happens to be wife of respondent herein, agreed to live with the respondent in matrimonial house but it appears that the parties were not able to settle their dispute amicably, as such, this Court is constrained to decide the present petition on its own merit.

**3.** Before this Court could proceed to determine the correctness and legality of impugned judgment passed by learned Court below, whereby it reduced amount of maintenance awarded by learned trial Court from Rs.5,000/- to Rs.3500/-, learned counsel for the parties, on instructions of their clients, who are present in court, fairly state that a sum of Rs.4,000/- may be awarded as maintenance in favour of petitioners instead of Rs.3500/-. Petitioner No. 1, who is present in Court, also states that in case maintenance awarded by learned Sessions Judge is enhanced from Rs.3500/- to Rs.4,000/-, she shall have no objection in withdrawing the present petition.

**4.** Consequently in view of above, present petition is allowed. Judgment dated 28.1.2019 passed by learned Sessions Judge, Hamirpur, Himachal Pradesh in Cr. Appeal No. 40 of 2016 is quashed and set aside. Petitioners are held entitled to a sum of Rs.4,000/- per month as maintenance, which would be paid from the date of passing of judgment by learned Sessions Judge, Hamirpur, Himachal Pradesh. Needless to say, arrears on account of maintenance awarded by learned Courts below shall be paid within a period of six weeks from today, failing which respondent shall render himself liable for penal consequences and contempt proceedings.

**5.** The petition stands disposed of in the aforesaid terms, alongwith all pending applications.

**(Sandeep Sharma)**  
**Judge**

**September 30, 2019**  
(Vikrant)