

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.110 of 2015

Date of decision: January 08, 2015.

Dr. Aarti Gupta

... **Petitioner**

v.

Dr. Ravi Gupta

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Ashim Aggarwal, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

In a petition under Sections 13 (ia)-(ib) of the Hindu Marriage Act, 1955 (in short the Act) seeking dissolution of marriage by decree of divorce preferred by the husband, respondent herein, an application was moved under Section 24 of the Act inter-alia seeking maintenance for the wife and the two school-going minor daughters for which joint responsibility of both the parents exists. Learned District Judge, Family Court, Faridabad, denying maintenance to the wife, has fixed maintenance of Rs.10,000/- per month for each of the minor daughters of the parties vide impugned order of 24.9.2014, which is under challenge in this revision petition.

Counsel for the petitioner, in addition to urging that amount of maintenance is too low, has claimed that the respondent-husband is earning Rs.12 to 15 lacs per month but his income has wrongly been taken to be

Rs.2,70,000/- which is his salary income. It is claimed that neither the bank record nor income tax returns of the husband had correctly been appreciated by the court below.

During hearing of the arguments, Counsel for the petitioner has not been able to show any document worth acceptance that the respondent-husband is earning more than Rs.2.70 lacs per month which he is receiving as his salary from his employer at Jaipur. The petitioner-wife is also a doctor and is concededly earning Rs.1.30 lacs per month and can also maintain the school going minor daughters.

It was rightly observed by the court below that the petitioner being herself an earning hand, was not entitled to any maintenance but maintenance for the children was allowed. The husband will have to shell out Rs.20,000/- per month for maintenance of the minor children, for which responsibility of the petitioner-wife is also there, is not a matter of denial.

At this stage, evidence is yet to be led and there is nothing on record to show that the husband is earning more than the salary received from his employer. Well written order, discussing all relevant facts and attending circumstances, needs no interference.

Dismissed.

However, it is made clear that if during the course of evidence the petitioner-wife is able to bring on record certain evidence showing higher income of the respondent-husband, which may necessitate modification of the impugned order of maintenance, the petitioner-wife would be at liberty to make a fresh application, which would be considered

by the court below within one month of its filing.

Keeping in view the nature of litigation and fate of the minor daughters involved therein, the District Judge, Family Court, Faridabad where the case is pending, is directed to adjudicate the matter on merits within six months by giving three opportunities to both the parties to lead their evidence and even by taking day to day proceedings, if found necessary.

January 08, 2015.
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[Dr. Bharat Bhushan Parsoon]
Judge