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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.3051 of 2015
Date of decision: May 06, 2015

Pamila

......Petitioner

Versus

Prem Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 26.02.2015 (Annexure P-5).

Respondent has filed petition against the petitioner under Section 13 of the Hindu Marriage Act, 1955 ('Act' for short) seeking decree of divorce.

During the pendency of the petition, petitioner moved an application under Section 24 of the Act for ad-interim maintenance. Vide the impugned order, the said application was allowed. Hence, the present petition by the petitioner seeking enhancement of the amount of ad-interim maintenance allowed by the trial Court.

Learned counsel for the petitioner has submitted that the respondent was a big business-man and was running eight firms. The fact that the respondent was running the said firms, was evident from his affidavit, which had been submitted by him before the Customs Authority at the

International Airport, New Delhi in the year 2005. The respondent, with a view to avoid Income Tax, had shown the ownership of the said property in the name of his other family members. Learned counsel has further submitted that since the respondent was earning more than ₹3,00,000/- per month, the amount of ad-interim maintenance granted by the trial Court, was liable to be enhanced.

The case of the respondent was that he owned firm M/s Tokyo Handloom Industries, Panipat and was partner in another firm M/s Rahul International. Respondent had no concern with the other firms. It was further the case of the respondent that loan to the tune of ₹1,25,00,000/- had been taken from Axis Bank qua firm M/s Tokyo Handloom Industries. It was further the case of the respondent that eight firms in question, in fact, belonged to his entire family members. Three firms, i.e. M/s Dee Sons Fabs, M/s Lakshay Fabs and M/s V.D. Textiles had since been closed and remaining firms had gone to the share of other family members. Respondent placed on record Income Tax return and as per the same, his annual income for the assessment year 2012-2014 was ₹2,36,509/-. Respondent had paid tax to the tune of ₹1,639/- for the said assessment year.

The learned trial Court thus, rightly relying upon material available on record, assessed the ad-interim maintenance liable to be paid to the petitioner, at the rate of

₹20,000/- per month. During the course of arguments, it has further transpired that the children are residing with the respondent. In the facts and circumstances of the present case, the said amount cannot be said to be on lower side.

No ground for interference by this Court, is made out.

Dismissed.

(SABINA)
JUDGE

May 06, 2015
m.singh