

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.4144 of 2015

Date of decision: 06.07.2015

Gurminderjeet Singh

... Petitioner

versus

Gurmeet Kaur

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Gaurav Chopra, Advocate,
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The revision is against an order of interim maintenance granted in a petition for divorce filed by the wife. The petitioner has no objection about paying the maintenance but he would point that the wife's conduct is such that she ought not to be allowed the benefit. The counsel would state that there had been already a petition for divorce by mutual consent and at the second motion when the parties were to appear on completion of 6 months, the parties had decided to withdraw and within 10 days after such withdrawal, the wife has moved an application for divorce on the ground of cruelty.

2. The issue of maintenance under Section 24 of Hindu Marriage Act is to prevent vagrancy and ensure that the woman who has no source of support to herself is not put to any suffering in the conduct of matrimonial proceedings. It will be too premature in the court to enter into an assessment of the conduct of the wife in having the petition for divorce by mutual consent to be withdrawn and then moving an application for divorce on the ground of cruelty. It is nobody's case that the husband has not the means. Indeed the counsel himself says that he has no objection about the maintenance but the same ought not to be allowed under the present circumstances. I find nothing overwhelming to cloud the wife's own entitlement to secure what is justified and what the statute specifically provides for. The impugned order calls for no intervention and the revision petition is dismissed.

(K.KANNAN)
JUDGE

06.07.2015
sanjeev