

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4210 of 2014 (O&M)
Date of decision: 04.05.2015

Gurvinder Singh

... Petitioner

versus

Amandeep Kaur

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. A.K. Walia, Advocate for the petitioner.

Mr. Achin Gupta, Advocate for the respondents.

K.Kannan, J.

The revision petition is against the grant of interim maintenance awarded to the wife in matrimonial proceedings for the support of the minor child who is in her custody. The petitioner and the respondent are Doctors and the wife had contended that his husband is in Government service and earning about ₹ 65,000/-, while she herself is on a contractual basis and not in a permanent employment.

The petition was filed in the year 2013 and the order was passed in the year 2014 providing for ₹ 8,000/- as interim maintenance for the minor child. The husband is before this Court to complain that the wife had suppressed the fact that she had obtained for herself ₹3,500 in the application filed by her for restitution of conjugal rights earlier. Her own document filed in Court would show that the husband is earning ₹ 53,000/- and not ₹ 65,000/-. I do not think that there is any case to complain of as suppression of fact with the claim made now is not for herself but it was for her child, who she has to support although legally father is the guardian. Even if the salary is taken to be ₹53,000/- and not ₹ 65,000/- provision for interim maintenance @ ₹8,000/- cannot be said to be high considering the present cost of living and the

nourishment that the child would require and also keeping in tune with the status of the parties. The counsel would argue that the order if at all could be passed, could support the claim for maintenance only from the date of the order. I do not think, there is any rule of thumb that it could be passed only from the date of the order. The only benefit come over is that since the wife has given ₹ 3,500/- as interim maintenance under Section 9 of the Act, the said amount will be deducted during the relevant period where maintenance is granted to the child and only the amount in excess will be paid upto the date of the order and it shall be paid in full from the date of the order till the conclusion of proceedings or till it is modified by any Court.

The order already passed stand explained above and the civil revision petition is disposed of with above observations.

(K.KANNAN)
JUDGE

04.05.2015
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