

CR No.4975 of 2014 (O&M)

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

**CR No.4975 of 2014 (O&M)
Date of decision:28.05.2015**

Ravinder Kaur

...Petitioner

Versus

Charanjit Pal Singh

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Monika Dudani, Advocate,
for the petitioner.

Mr. Raman Mahajan, Advocate,
for the respondent.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 28.05.2014 on the ground of inadequacy of maintenance awarded on an application filed by her under Section 24 of the Hindu Marriage Act, 1955 (here-in-after referred to as the “Act”).

The respondent has filed divorce petition against the petitioner on the ground of cruelty and adultery. He got married with the petitioner on 17.10.2004 as per Sikh Rites and the couple is blessed with a son, namely, Kanwarjit Singh, who was born on 09.12.2005, and a daughter Manroop

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Kaur who was born on 16.07.2008. The petitioner filed an application under Section 24 of the Act claiming maintenance @ ₹50,000/- per month for herself and ₹30,000/- each for both the children besides litigation expenses of ₹75,000/-.

The trial Court, vide its impugned order dated 28.05.2014, awarded ₹5,000/- per month as maintenance *pendente lite* to the petitioner and ₹3,000/- per month each to both the minor children from the date of application and also ₹20,000/- as litigation expenses.

Aggrieved against the impugned order, the present revision petition has been filed.

At the time of notice of motion, this Court had directed the respondent to defray the expenses of litigation, bring an amount of ₹50,000/- and also the sundry expenses of the minor children for their transportation to the school and medical expenses.

On the adjourned date, the respondent handed over the litigation expenses of ₹50,000/- to the petitioner. He was further directed to file his personal affidavit disclosing his wealth, money in bank accounts, FDRs, investments, disclosed and undisclosed and his income tax returns for the last 5 years including assessment under VAT of his professional business and interest.

On 16.10.2014, the petitioner had alleged that the respondent had not paid the arrears of maintenance *pendente lite* for the last three months amounting to ₹33,000/-. On that date, learned counsel for the respondent assured the Court that the said amount would be paid to the

petitioner.

At one point of time, the direction was issued by this Court that the respondent would also deposit a sum of ₹2,60,000/-, realized by him by the sale of car, allegedly given by the brother of the petitioner to him at the time of Sangeet ceremony. The said amount was deposited by the respondent with the Registry of this Court.

In terms of the order passed by this Court on 03.09.2014, the respondent has filed the affidavit dated 19.09.2014. He has disclosed that he is having 3 bank accounts in which the current balance as on 15.09.2014 is ₹3,47,258/-, ₹1,34,611/- and ₹5,35,145/- respectively. He has admitted to have LIC policies and is the owner of 11.5 acres of land in village Majari, Tehsil Nangal, District Ropar. He is also the owner of 5 biswas of land at village Attawa, UT, Chandigarh. It is also alleged that his father is having tyre sale business in the name of Walia Auto Store from where he is getting salary of ₹12,000/- per month. It is further averred that he has already paid a sum of ₹1,14,000/- to the petitioner towards litigation expenses, as ordered by this Court. It is also alleged that he has been paying all the necessary charges i.e. school fee and transportation charges of both the children. He also alleged that his monthly income is ₹55,000/- per month, substantiated from the income tax returns and he has been paying ₹10,000/- as rent which is excluding electricity and water charges. However, there is no denial to the fact that the respondent has been going on foreign trips to Tashkent, Bangkok, Holland, Dubai and Hong Kong about which the respondent has submitted that those trips were offered by the tyre

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companies in which they are dealing with in Chandigarh.

It is submitted by counsel for the petitioner that if the respondent is working on a monthly salary of ₹12,000/- for his father, then on what account he has been sent to all the countries by the firm. She has also argued that the respondent has made a false averment in his affidavit that he has been paying ₹10,000/- per month as rent, whereas he is living in one kanal house with his father.

Counsel for the respondent has argued that the petitioner has been caught red handed by the respondent with her paramour, as a result thereof, the respondent filed the divorce petition on the ground of cruelty and adultery. It is also submitted that the respondent is looking after both the children insofar as their school and medical expenses are concerned. It is further submitted that even the grocery is being supplied to the petitioner by the respondent and his parents, therefore, the maintenance awarded by the trial Court is just and fair, which does not call for any further enhancement.

After hearing learned counsel for the parties and keeping in view the totality of the facts and circumstances emerging from the available record, I am of the considered opinion that the status of the respondent is not that which is tried to be projected by him because it cannot be believed that he is working in the firm of his father on a meager salary of ₹12,000/- per month and has been sent by the firm of his father to the foreign trips as an employee, even on the promotional offer given by the tyre companies. Moreover, admittedly, he is having 11.5 acres of land in village Majari,

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Tehsil Nangal, District Ropar and 5 biswas of land at village Attawa, UT, Chandigarh. He is also maintaining 3 accounts in the bank in which as on 15.09.2014, he was having a total sum of ₹10,17,014/- in cash.

Thus, in view of these facts and circumstances, the present revision petition is hereby allowed and the impugned order passed by the trial Court is modified, holding that the petitioner is entitled to a sum of ₹20,000/- per month as maintenance *pendente lite* for herself and ₹10,000/- per month each for both the minor children, from the date of application.

May 28, 2015
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(Rakesh Kumar Jain)
Judge