

In the High Court of Punjab and Haryana at Chandigarh

C.R. No.5363 of 2014

Date of decision: September 29, 2015

Urmila

..... Petitioner

Versus

Naresh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vivek Suri, Advocate for the petitioner.
Mr. Rajesh Bansal, Advocate for the respondent.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

KULDIP SINGH, J.(Oral)

Impugned in the present petition is the order dated 14.07.2014 passed by the learned Additional District Judge, SAS Nagar, Mohali (Annexure P-5).

During the pendency of petition under Section 13 of Hindu Marriage Act, 1955 wife filed an application under Section 24 of

Hindu Marriage Act, 1955 for grant of interim maintenance in which the

Lower Court passed the following order:

“A perusal of the pleadings and the other documents on record have shown that the applicant is residing alongwith her sons in Green City, Village Dhakauli, Tehsil Dera Bassi, District SAS Nagar, Mohali and the respondent Naresh Kumar is working as Assistant Professor UIET Department Kurukshetra University, Kurukshetra. Although, it has been alleged by the respondent that the applicant is a trained Beauty Parlour owner who has kept 5-7 assistants with her and as such is earning `75,000/- per month from the said business, but no documentary evidence or material has been placed on record a salary certificate issued by the Kurukshetra University, Kurukshetra showing that he was earning `21,109/- and there is no material on record to show that the applicant was having any Beauty Parlour business. Then, it is in the fitness of things to direct the respondent to pay a sum of `10,000/- per month, from the date of application as maintenance pendent elite for the applicant Urmila herself as well as for the up bringing of two children. In addition to it she is also granted litigation expenses to the tune of `3,000/-.”

The pleadings before this Court show that salary certificate was produced before the Lower Court which has not been discussed. Learned counsel for the respondent wants to produce some documents to show that

wife is having sufficient income to maintain herself. Although these documents were not produced before the Lower Court at that time.

In view of fact that there is no detailed discussion and salary certificate was also not discussed by the Lower Court and the fact that respondent-husband wants to produce some documents to show that wife is in a position to maintain herself, the impugned order is set aside and the case is remanded back to the Lower Court for deciding the matter afresh.

Both the parties are directed to produce all the documents before the Lower Court within 15 days of their appearance. The respondent shall also produced latest salary certificate. The Lower Court is directed to pass an order after discussing the documents supported by sound reasoning. Till then, the interim maintenance granted by the impugned order shall continue. Lower Court is directed to decide the matter expeditiously.

(KULDIP SINGH)
JUDGE

September 29, 2015

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