

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.5789 of 2013
Date of decision:02.02.2015

Prameet Kumar Sinha

....Petitioner

Versus

Annu Sinha

.....Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr.Animesh Sharma, Advocate, for the petitioner.

G.S.Sandhawalialia J.(Oral)

Counsel for the petitioner submits that the respondent-wife was proceeded against *ex parte* in the main divorce petition and the Family Court at Gurgaon had dissolved the marriage on the grounds of cruelty and desertion, vide order dated 17.12.2014. A photocopy of the said order has been placed on record. Same is marked as Mark-A. Service was effected upon the respondent and thereafter, upon counsel for the respondent before the Trial Court, who pleaded no instructions.

Counsel for the petitioner submits that the Family Court at Gurgaon, while granting the maintenance, did not have any material to rely upon to show that the husband was earning ₹2,50,000/- per month, on the basis of which, ₹30,000/- per month was ordered as maintenance *pendente lite* and ₹10,000/- as litigation expenses.

The defence of the petitioner-husband was that earlier he was serving in the Company but he had left the job on 09.09.2009 due to the matrimonial dispute and he was without a job. The Family Court has already recorded a finding that the respondent-wife had treated the husband with cruelty and also lodged an FIR against him on 31.08.2009. She had also filed a case against the

petitioner under the Domestic Violence Act, 2005. One of the children from the marriage has also been brought back and is residing with the petitioner. Accordingly, a finding has been recorded that the petitioner has been put to lot of stress by the respondent-wife, by falsely implicating him in unnecessary litigation.

In such circumstances, this Court is of the opinion that fixing ₹30,000/- per month as maintenance is without any basis. This court, while issuing notice of motion, had restricted the grant of maintenance to ₹5000/- per month. Counsel for the petitioner submits that the said amount has been duly paid to the respondent in Court. Notice was also issued to the respondent to collect the amount deposited by way of draft before they got expired. In such circumstances, it is apparent that the respondent-wife is not interested in contesting the present litigation and has resiled to the decisions which have taken place.

Accordingly, the impugned order dated 03.07.2013 (Annexure P1), passed by the Family Court at Gurgaon is set aside, to the extent that the award of ₹30,000/- per month, as maintenance is reduced to ₹5000/-, per month. Needless to say that the respondent-wife will be entitled to the amount of maintenance @ ₹5000/- per month from the date of the application to the date of decision, i.e., 17.12.2014.

With the abovesaid observations, the present revision petition stands disposed of.

02.02.2015
sailesh

(G.S.SANDHAWALIA)
JUDGE