

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

CR No.5871 of 2013 (O&M)

Date of decision: 25.02.2015

Barjesh Kumar

.....Petitioner

versus

Daizy Saini

.....Respondent

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

Present: Mr. Mohd. Shameem, Advocate for
Mr. Sandeep Moudgil, Advocate
for the petitioner.

Mr. Ashok Giri, Advocate
for the respondent.

Mr. Surjit Singh Chaudhary, DAG, Punjab.

G.S. SANDHAWALIA, J. (Oral)

CM-4038-CII-2015

Affidavit of Sukhvinder Singh, Deputy Commissioner,
Pathankot is taken on record.

CM stands disposed of.

CR No.5871 of 2013

The challenge in the present revision petition by the petitioner-husband is to the order dated 29.08.2013 passed by the District Judge, Pathankot (Annexure P-3), whereby a sum of Rs.16,000/- per month was fixed as maintenance *pendente lite* from the date of the application till the final decision of the main petition under Section 24 of the Hindu Marriage Act, 1955. The order for the litigation expenses was to the tune of Rs.5,000/- which was also awarded to the wife. The amount of interim maintenance of Rs.5,000/- granted in parallel proceedings under Section 125 Cr.P.C., was to be adjusted against the amount of

maintenance *pendente lite*.

The petitioner was employed as Pharmacist in the Punjab Health Department and amount quantified was on the basis of his monthly salary of Rs.33,734/-. The fact that the wife has to maintain two children, who are school going, certain amounts were paid to the wife and an effort was made for settlement by this Court which did not materialize. In the meantime, the petitioner has been sentenced for 10 years in FIR No.81/2008 under Section 307 IPC. Thereafter, efforts were made to get the respondent-wife adjusted in the services of the State Government, keeping in view, the delicate situation she was placed in and the fact that she was holding a diploma in NTT (KG Montessori Teacher's Course). However, in spite of the fact that the Deputy Commissioner has made efforts but due to bureaucratic road blocks no suitable employment could be found, where the wife could be adjusted.

Counsel for the respondent has pointed out that even the divorce petition has been dismissed on 13.01.2015 and a sum of Rs.2,20,000/- is outstanding as arrears under Section 24. It is also come on record that a sum of Rs.6,09,878/- is lying in credit in the Provident Fund Account of the petitioner. The order passed at point of time was on the basis of the salary which the petitioner was drawing and no fault as such can be found which needed interference, since admittedly the respondent has to maintain two school going children and the amount was a little less than 50% of the monthly salary of the petitioner. Keeping in view the fact that three persons were to be

maintained out of that amount and the petitioner was sole person on the other hand, no such fault can be found in the impugned order.

Accordingly, the present revision petition is dismissed.

It will be open to the respondent-wife to claim her arrears due in pursuance of the impugned order by filing appropriate application before the executing Court. The executing Court shall ensure that the matter is disposed of at the earliest, keeping in view the peculiar facts and circumstances.

February 25, 2015

Naveen

**(G.S. SANDHAWALIA)
JUDGE**