

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

C.R. No. 8712 of 2014 (O & M)

Date of decision: 14.01.2015

Dr. N.C. Mathur

....Petitioner(s)

Versus

Mrs. Manju Rani

...Respondent(s)

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

Present: Mr. Arun Luthra, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 913-CII of 2015

Application for placing on record certified copy of the application under Section 125 Cr.P.C. and the order dated 19.09.2012 is allowed, subject to all just exceptions.

The said documents are taken on record.

C.R. No. 8712 of 2014

Challenge in the present revision petition is to the order dated 17.11.2014 (Annexure P-7) whereby, the Additional District Judge, Ludhiana has awarded a sum of ₹5,500/- per month as interim maintenance to be paid to the respondent-wife from the date of the application i.e. 16.12.2013 and whereby, ₹11,000/- has been awarded as litigation expenses. It has been further observed that the maintenance received by the respondent-wife under Section 125 Cr.P.C. is to be deducted from the maintenance granted by the matrimonial Court. The Additional District Judge has noticed that vide order dated 19.09.2012 under Section 125 Cr.P.C., the wife had been granted a sum of ₹5,000/- as maintenance. The

copy of the said order has been placed on record as Annexure P-9 whereby, the Judicial Magistrate Ist Class, Ludhiana had granted the said amount after proceeding ex parte against the petitioner-husband. Admittedly, the said order has become final and, therefore, the petitioner has already accepted the same.

The Court in the order under challenge has noticed that in earlier divorce proceedings, a sum of ₹3,000/- was awarded and the divorce petition was dismissed on 01.04.2010. The wife in her application under Section 24 of the Hindu Marriage Act, 1955 has categorically averred that the petitioner is a Doctor by profession and is an income tax assessee. The petitioner has neither placed his income tax returns on the record before this Court and neither before the trial Court. It has been denied that he has been running nursing home in the name of Get Well Nursing Home at village Bhaura, near Jalandhar Bypass, Ludhiana or that he is also running College of Health Sciences under the name and style of Dr. N.C. Mathur College of Health Sciences, as alleged by the wife. The averments of the wife in the application under Section 24 of the Hindu Marriage Act, 1944 are that he owns a motor cycle bearing registration No. PB-10-BA(T) 0094 and Indica Tata Car bearing registration No. PB-10-BH-(T)-3424 is also owned by him. The petitioner, in his reply to the said application has not specifically denied the ownership of the said vehicles.

Counsel for the petitioner has placed lot of stress on employment certificate issued by Max City Poly Clinic, Ludhiana (Annexure P-5) to submit that he was only earning ₹4,800/- per month. A perusal of the said document does not instill any confidence in this Court as perusal of the same would show that the petitioner has been not allowed to

do any private practice and he will be provided rent free accommodation which will be residential and he will have to observe clinic hours and attend emergency during and after clinic hours. The petitioner is a qualified professional and a Doctor. It is not expected that he will be earning a sum of ₹4,800/- per month when a daily wager is able to earn ₹3,600/- per month.

In such circumstances, the present revision petition is totally without any justification and the same is misconceived and is accordingly dismissed.

14.01.2015
shivani

(G.S. SANDHAWALIA)
JUDGE