

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Criminal Misc. M- No. 24877 of 2014 (O&M)

Date of decision : 18.02.2015

Anil Kumar

.....Petitioner

Versus

Rajni Garg

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Bijender Dhankar, Advocate
for the petitioner.

LISA GILL, J.

Petitioner challenges order 17.12.2013 (Annexure P-3) and 07.05.2014 (Annexure P-5) wherein interim maintenance at the rate of ₹ 30,000/- per month has been awarded to the respondent – wife and his two minor children. It is submitted that the said orders have been passed in an erroneous manner as there is nothing on record to show actual income of the petitioner. Therefore, direction for paying ₹ 30,000/- as an interim maintenance is unjustified. Respondent – wife is a Graduate and allegedly earns handsome amount from tuitions.

I have heard learned counsel for the petitioner and gone through the file.

It is candidly admitted on instructions that the entire amount of arrears due on account of the impugned orders has not been deposited. It is only a sum of ₹ 1,50,000/- which stands deposited as of today.

A sum of ₹ 30,000/- per month has been directed to be paid only by way of interim maintenance. There is a reference to a settlement between the parties wherein the petitioner had agreed to pay ₹ 30,000/- to the wife. A sum of ₹ 2,00,000/- has been noted to be available in one of his accounts. This amount is, however, sought to be explained by saying that this sum had been transferred into his account for the treatment of his father. His father has since expired. It is admitted that the petitioner had been taking his family namely respondent – wife as well as his children on leisure trips at Goa, Manali, Mussoorie, however, it is submitted that he has now fallen on bad times.

Keeping in view the facts and circumstances, it is noted that it is only by way of an interim measure, at this stage, on the basis of prima facie assessment by the Court that this amount has been fixed. It has been observed by learned Additional Sessions Judge, in the impugned order dated 07.05.2014 that it will be lawful for the trial Court to reduce this amount if any evidence comes on record suggesting that he is not in a position to pay that amount.

Keeping in view the above noted facts, there is no illegality or infirmity in the impugned orders, which would warrant inference by this Court.

Dismissed.

February 18, 2015
rts

(LISA GILL)
JUDGE