

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

**CRM-M 27731/2015
Date of decision:21.08.2015**

Dr.Sanjiv Mahajan

.....Petitioner

v

Dr.Reena Mahajan and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Yogesh Mahajan,Advocate for the petitioner.

Jaswant Singh,J.

Petitioner-husband, who is working as Chief Medical Officer at Safdarjung Hospital, New Delhi has filed the present petition under Section 482 Cr.PC for setting aside the order dated 14.7.2015 passed by learned Additional Sessions Judge, Palwal dismissing his revision petition under Section 397 Cr.PC, directed against the order dated 14.1.2014 passed by learned JMIC,Palwal whereby respondents 2 and 3 i.e. minor children aged 5 years and 3 years respectively have been granted interim maintenance @ Rs.12,000/- and Rs.8,000/- respectively. Further prayer is to reduce, revise or modify the order dated 14.1.2014 passed by learned JMIC, Palwal.

Marriage of petitioner with respondent no.1 took place on

31.10.2005. Out of their wedlock two children i.e. respondents 2 and 3 were born. Due to matrimonial dispute, respondent no.1 lodged FIR No.251/2012 dated 6.7.2012 for the offences under Section 498-A/406/323/506 IPC, PS Camp Palwal against petitioner. Since 2.10.2011 petitioner and respondents are residing separately. While the petitioner is residing at New Delhi the respondent wife alongwith minor children is residing at Palwal.

In her application under Section 125 Cr.PC filed before JMIC,Palwal, respondent no.1 wife had sought interim maintenance @ Rs.80,000/- per month plus litigation expenses of Rs.50,000/-. The learned JMIC,Palwal, vide order dated 14.1.2014, refused interim maintenance to respondent wife on the ground that as per her salary slip produced by petitioner-husband she was earning at least Rs.50,000/-, however, the minor children were granted interim maintenance as noticed hereinabove. Aggrieved against the same, petitioner filed a revision which was dismissed by learned Additional Sessions Judge,Palwal vide impugned order dated 14.7.2015. Hence the present petition.

It is submitted by the learned counsel for the petitioner that the respondent-wife is employed as Senior Resident at SHKM GMC Hospital,Mewat and hence maintenance granted to minor children @ Rs.12,000/- and Rs.8,000/- is liable to be reduced. It is further submitted that during the pendency of the interim maintenance application the respondent no.1, vide letter dated 8.3.2013 (P-6), was

selected for the post of Assistant Professor in Anesthesiology at SHKMGMHC Hospital, Mewat.

After hearing learned counsel for the petitioner, this Court finds no ground to interfere with the impugned orders and hence the present petition under Section 482 Cr.PC is liable to be dismissed.

It is claimed that respondent no.1 is working as Senior Resident at SHKMGMHC Hospital, Mewat and subsequently appointed as Assistant Professor in Anesthesiology, however, her actual employment/income certificate/salary slip, till date has not been brought on record by the petitioner to substantiate that claim. On the other hand, respondent no.1 admitted that she is doing a temporary job and getting a sum of Rs.50,000/- per month. As per salary certificate of the petitioner for the months of October and November, 2013 he is getting monthly gross salary of Rs.96,316/- and a net salary of Rs.72,456/-. Thus, the admitted monthly income of Rs.50,000/- earned by respondent no.1 plus the interim maintenance of Rs.20,000/- granted to respondents no.2 and 3 is still less than what the petitioner is getting from his employer.

At the time of hearing, it is not disputed by the learned counsel for the petitioner that respondents no.2 and 3, who are minor and have been granted interim maintenance, are studying in different schools at Palwal. The learned Additional Sessions Judge, Palwal has noticed that as per fee receipts produced by the respondent wife, respondent no.2 Sanjana is studying at DAV School, Palwal, whereas

respondent no.3 Rakshit is admitted to Little Wonder Play School, Palwal. The claim of the respondent wife that she has hired a maid to look after the minor children while she is away to her job has not been disputed by the petitioner-husband. Thus extra monthly expenditure on their schooling and baby sitting, besides basic amenities that a growing child is entitled to enjoy in his early childhood, cannot be disputed. It is also not disputed that petitioner, a Chief Medical Officer at Safdarjung Hospital, New Delhi, being father of these two minor children is legally and morally bound to provide basic amenities namely housing, food, clothing, medicines, education etc., to his minor children befitting his own social status in the society. Costs of these basic amenities in these inflationary days cannot be emphasized.

In the facts and circumstances narrated above, in my considered opinion, the interim maintenance granted to minor respondents 2 and 3 by the learned JMIC, Palwal and upheld by the learned Additional Sessions Judge, Palwal cannot be said to be on higher side.

Dismissed.

21.08.2015.
joshi

(Jaswant Singh)
Judge