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

CRM-M-32135 of 2015

Date of decision: September 19, 2015

Sunil Kumar

.....Petitioner

Versus

Anita

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the orders dated 09.06.2014 and 10.02.2015.

Learned counsel for the petitioner has submitted that the petitioner was presently unemployed. Respondent was a practicing Advocate and was earning ₹25,000/- per month.

Petitioner got married to the respondent on 18.11.2005. Respondent moved a petition under Section 125 of the Code of Criminal Procedure, 1973 ('Cr. P.C.' for short) claiming maintenance against the petitioner. The case of the respondent was that she had been deserted and neglected by the petitioner. Trial Court vide order dated 09.06.2014 allowed ₹10,000/- by way of maintenance to the respondent. It was further ordered that the respondent would be entitled to receive ₹15,000/- by way of litigation

expenses. Further direction was given that the amount of ₹5,000/- received by the petitioner towards interim maintenance under Section 24 of the Hindu Marriage Act, 1955 would be set off from the maintenance granted in proceedings under Section 125 Cr. P.C.

Aggrieved against the said order, both the parties preferred revision petitions. The Court of revision vide order dated 10.02.2015 dismissed both the petitions. Hence, the present petition by the husband-petitioner.

The Court of revision while dismissing the petition filed by the petitioner has held that the case of the petitioner was that respondent was practicing as an Advocate and was earning ₹25,000/- per month. However, respondent while appearing in the witness-box had denied the fact that she was practicing as an Advocate and further stated that she did not have the degree of Bachelor of Laws (Professional). The case of the respondent was that she was M.A. B.Ed. and was trying to get a teaching job. Respondent denied that she was working as a Teacher in a private school. Thus, there was no material on record that the respondent was practicing as an Advocate.

It was further the case of the petitioner that he was unemployed since July, 2010. However, the said fact was belied from the salary slips of the petitioner placed on record for the year 2011-2012. As per the salary slips on

record, petitioner was earning ₹31,000/- per month. In these circumstances, the Courts below had rightly held that the respondent was entitled to receive ₹10,000/- per month by way of maintenance. So far as the amount of interim maintenance to the tune of ₹5,000/- granted to the respondent in divorce proceedings, is concerned, it has already been ordered by the Courts below that the said amount would be set off from the maintenance granted under Section 125 Cr. P.C.

Hence, no ground for interference by this Court, is made out.

Dismissed.

(SABINA)
JUDGE

September 19, 2015
mahavir