

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 37414 of 2012 (O&M)

Date of decision : September 10, 2015

Mukhtiar Singh,

..... Petitioner

v.

Sandeep Kaur,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Mohd. Yousuf, Advocate
for the petitioner.

Ms. Harveen Kaur, Advocate
for the respondent.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

By this petition, the petitioner has challenged the impugned orders passed by the Courts below vide which 1/3rd of his income has been awarded to the respondent as maintenance.

The respondent is the daughter of the petitioner and had sought maintenance from him, since after the death of his first wife, the petitioner had again married and was not maintaining her.

Counsel for the petitioner has argued that the petitioner has three children from his second marriage and consequently they are now five members in the family and, therefore, the award of 1/3rd of his income as

maintenance to the respondent is highly excessive. The petitioner could not have been granted more than 1/6th of the salary since they are five members.

Counsel for the respondent, on the other hand, has asserted that the respondent was a grown up girl whose needs are obviously more than the younger children of the petitioner from the second marriage and this Court should not interfere with the concurrent orders of the Courts below unless manifest perversity is shown.

In my considered opinion, arguments raised by both the sides are too extreme. No doubt, as an adult daughter her needs would be more than the younger children of the petitioner from his second marriage. However, grant of 1/3rd maintenance cannot be termed to be reasonable because ultimately this would be at the expense-partly-of the three children from the second marriage.

Counsel for the petitioner has stated that in any case now the respondent has married and, therefore, the petitioner is not liable to pay her any maintenance.

Keeping in view all the facts and circumstances of the case, I am of the considered opinion that the interest of justice would be met if the maintenance to the respondent is reduced from 1/3rd to 1/4th. Ordered accordingly.

(AJAY TEWARI)
JUDGE

September 10, 2015
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