

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

CRR-1371 of 2012 (O&M)  
Date of decision : 10.08.2015

Lt. Col. Raj Kumar

...Petitioner

V/S

Smt. Seema Dahiya and anr.

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present:- Mr. Surender Dhull, Advocate for the petitioner

Mr. Vaneet Soni, Advocate for the respondents

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**JITENDRA CHAUHAN, J. (Oral)**

Petitioner has filed this petition challenging the order dated 06.02.2012 passed by District Judge, Family Court, Gurgaon whereby the petitioner was directed to pay Rs.20,000/- per month to respondent No.1 as maintenance allowance from 01.05.2011 which shall be inclusive of the amount which the respondent No.1 was receiving as maintenance allowance being the wife of the petitioner from the Army Authorities.

The learned counsel for the petitioner, inter alia, contends that the impugned order dated 06.02.2012 of District Judge, Family Court, Gurgaon has been passed erroneously and without taking into consideration the relevant facts. It was passed on the basis of salary slip of the petitioner for the month of October 2010 which happened to be Rs.98,046/- without

going into the fact that there were compulsory deductions out of the total salary and some of the perks were his personal or station perks. After deducting all these expenditures, the carry home salary, which the petitioner was carrying in the month of February, 2010 was just Rs.40,000/- per month. He further states that as per statement of account for the month of February, 2011, the total salary is Rs.86,957/- and liabilities which were compulsory deductions were Rs.37,903/- and carry home salary for that month was Rs.49,054/- per month.

The learned counsel for the respondents states that the Family Court has rightly granted the maintenance allowance to the respondent No.1-wife keeping in view the financial status of the petitioner. The petitioner is a Lieutenant Colonel and is duty bound to maintain her wife and minor daughter according to the financial conditions and status of the parties.

Heard.

There is nothing relevant on record to support the assertion raised by the learned counsel for the petitioner. The amount, as determined by learned District Judge, Family Court, Gurgaon, is in accordance with law and cannot be termed to be excessive, perverse or grossly unjust in the given set of circumstances. The petitioner is duty bound to maintain the respondent Nos. 1 & 2 (wife & minor daughter), according to their status.

It has been held in **Rajwinder Kaur VS. Harvinder Singh** 2014(2) Law Herald 1312, that appropriate maintenance commensurate with the needs of wife keeping in view the paying capacity of her husband is a

legitimate right of wife which should not be denied to her. No element of greed should be seen into genuine needs of the wife.

Keeping in view the cost of living these days, the amount so granted by the Family Court towards maintenance of respondent No.1 is not on the higher side. There is no illegality, infirmity or perversity in the order of the District Judge, Family Court, Gurgaon, which is, hereby, affirmed.

Accordingly, the instant petition is hereby dismissed.

**10.08.2015**

*ashok*

**(JITENDRA CHAUHAN)  
JUDGE**