

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

1. CRR No.3862 of 2013

Suman

... Petitioner

Versus

Manjeet Kumar

... Respondent

2. CRR No.1292 of 2014

Manjeet Kumar

... Petitioner

Versus

Suman

... Respondent

Date of decision: 9th July, 2015

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Present: Mr. Jagjit Gill, Advocate
for the petitioner in CRR No.3862 of 2013;
for the respondent in CRR No.1292 of 2014.

Mr. Narender S. Kamboj, Advocate
for the respondent in CRR No.3862 of 2013;
for the petitioner in CRR No.1292 of 2014.

FATEH DEEP SINGH, J.

These two revision petitions, one by the wife (CRR No.3862 of 2013) and the other by the husband (CRR No.1292 of 2014) having arisen out of the common judgment dated 29.10.2013 of

the first appellate Court are being taken up together for disposal for the sake of brevity.

The case has an intricate history and the present dispute before this Court has its genesis when wife Suman filed a petition under Section 12/18/19/20/22/23 of the Protection of Women from Domestic Violence Act, 2005 (in short, 'the Act') against husband Manjeet Kumar and his family members. The Court of learned Judicial Magistrate 1st Class, Sirsa passed orders dated 15.10.2012 directing the husband to pay a sum of ₹4,000 per month as interim maintenance to his wife. It is against these findings one appeal by the husband and another by the wife were preferred which were tried and disposed off by a common judgment dated 29.10.2013 of the Court of learned Additional Sessions Judge, Sirsa, which by virtue of the impugned findings, upheld the findings of the learned lower Court and thus consequently dismissed both the appeals.

Both, the wife as well as the husband, aggrieved over these findings, have come up before this Court in the present two separate revision petitions.

Heard Mr. Jagjit Gill, Advocate representing the wife and Mr.Narender Singh Kamboj, Advocate for the husband.

The parties are not much at variance as far as the inter-se relationship is concerned and the fact that a marriage between the two was solemnized on 22.06.1998. The case of the wife is that the

husband is a Government Contractor has not been refuted by the husband though it is sought to be assailed that income so claimed by the wife as earnings of the husband are highly inflated. The parties are yet to lead evidence and thus, evaluation by way of interim maintenance is more based on hypothetical assessment as to the socio-economic status of the parties and the reasonable requirements of dependent person for which no straightjacket formula can be laid down and is more of a rough approximation.

The husband admits in his affidavit that he is having a residential house, an Alto car, ₹25.00 lacs in cash and the fact that to run his business he has engaged services of a permanent Engineer and learned counsel representing the husband could not refute the photocopies of the bank pass-books placed on the file of the learned lower Court and which clearly bears out mute testimony to the economic worth of the husband. It is not disputed by any of the sides that as per the settled law husband is under a bounden duty to maintain the wife as per his own status and cannot escape from his obligation in this regard unless the case falls in exception laid down in Section 125(4) of the Cr.P.C. The learned first appellate Court in the impugned orders has given a comprehensive reasoning that the claim of the husband that due to the litigation initiated by the wife he has gone into mental disorder and so his income has dwindled, has no basis of support to instill confidence in the claim of the husband. The

observations made by the Court in the impugned order certainly are correct appreciation of the stand of the parties. Thus, apparently there is no strong cause to show indulgence to the case of either of the revisionists and thus, upholding the impugned orders, both the revision petitions, one by the wife and the other by the husband, stand dismissed.

(FATEH DEEP SINGH)
JUDGE

July 9, 2015
rps