

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

CRR No. 2588 of 2014(O&M)

Date of Decision : 06.02.2015

Parveen Kumar

.....Petitioner

Versus

Geetika Sharma and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.S.K.Rattan, Advocate
for the petitioner.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed against the award of interim maintenance of Rs. 1500/- to the wife and Rs. 700/- each to the minor children.

Learned counsel states that the petitioner has no dispute for the grant of maintenance to the children but he disputes the grant of maintenance to the wife because she has willingly deserted the petitioner without sufficient cause and has refused to return home even after passing of the decree of restitution of conjugal rights and the trial Court rightly dismissed the petition on this score.

In my opinion the approach of the trial Court was highly improper, to say the least. It could not have dismissed the complaint altogether without going into the evidence. I, however, refrain from making any further comment. The Revisional Court rightly noticed that the mere fact that the wife is not adhering to a decree for restitution of conjugal rights cannot in all circumstances be a ground for denying relief of maintenance and rightly remanded the matter to the trial Court for decision after taking evidence.

Coming now to the quantum. The contention of the learned counsel is that the total income of the petitioner is Rs. 4500/-per month and out of that Rs. 2900/- per month have been awarded as interim maintenance.

As per him the respondent-wife is working as a staff nurse. The income of the petitioner and working of wife as a staff nurse are both questions of fact. What the Court has to see at this stage is the adequacy of the maintenance amount. Looked at from this angle the amount of Rs. 2900/- per month for three people cannot be taken to be excessive.

Petition is dismissed.

(AJAY TEWARI)
JUDGE

February 06, 2015

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