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

**Date of Decision: 03.07.2015**

**1. CRR No.3579 of 2014 (O&M)**

**AVTAR SINGH AND OTHERS** .....Petitioners

**Vs**

**BALJEET KAUR** .....Respondent

**2. CRR No.4247 of 2014**

**BALJEET KAUR** .....Petitioner

**Vs**

**AVTAR SINGH AND OTHERS** .....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Vivek Khatri, Advocate  
for the petitioners in CRR No.3579 of 2014 and  
for respondents in CRR No.4247 of 2014.

Mr. S.P.S. Sidhu, Advocate  
for the petitioner in CRR No.4247 of 2014 and  
for respondent in CRR No.3579 of 2014.

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1. *Whether Reporters of local papers 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?*

**RAJ MOHAN SINGH, J.**

**CRM No.16727 of 2015 in CRR No.3579 of 2014**

Application is allowed, subject to all just exceptions.

Annexures R-1 and R-2 are taken on record.

**Main cases**

[1]. By this common order CRR No.3579 of 2014 and CRR No.4247 of 2014 are being disposed of as common issue is involved in these petitions.

[2]. In CRR No.3579 of 2014 petitioner assails order dated 28.05.2014 passed by Sub-Judicial Magistrate Hansi and order dated 10.10.2014 passed by Additional Sessions Judge, Hisar.

[3]. Respondent Baljeet Kaur filed an application for grant of interim relief under Section 12 read with Sections 18, 19, 20, 22, 23 of Protection of Women from Domestic Violence Act, 2005. The application was allowed. Avtar Singh was directed to make payment of Rs.10,000/- as interim maintenance to Baljeet Kaur and Rs.5,000/- as rent for alternate accommodation from the date of filing the petition.

[4]. Marriage of Baljeet Kaur was solemnised with Avtar Singh on 09.11.2011 at village Lakhan, Tehsil and District kapurthala according to Sikh rites and ceremonies. Huge amount was statedly spent on the marriage. Indigo Vista car as well as gold, silver ornaments were statedly given in dowry besides furniture and domestic articles as shown in the application before the trial Court.

[5]. Avtar Singh is working is working as Technician in Department of Botanical and Environment Sciences in Guru Nanak Dev University, Amritsar and his salary is stated to be Rs.50,000/- per month. He has 11 acres of fertile agricultural land in village Ramrauni and has a big residential house in his land. No issue was born from this wedlock. Allegations are that soon after the marriage the husband side started harassing Baljeet Kaur on account of insufficient dowry. In-laws also assaulted her. Demand of Honda City car and Rs.5 lacs in cash have been alleged at the instance of

husband family. At the occasion of marriage of younger sister of Baljeet Kaur an amount of Rs.1 lakh statedly paid at that time with an assurance that they would also fulfill the rest of the amount.

[6]. On 12.01.2012, brother of Baljeet Kaur namely Sarvjeet Singh visited matrimonial house on the occasion of Lohri and gave Rs.1 lakh to Jarnail Singh besides other articles like clothes and sweets. Brother of Baljeet Kaur was insulted on that occasion and articles were thrown.

[7]. On 03.02.2012 Baljeet Kaur came to the parental house along with her husband Avtar Singh who repeated his earlier demand of Honda City Car and balance amount of Rs.30 lacs. On that occasion mother of petitioner gave Rs.50,000/- by saying that they had no capacity to pay more. On 13.02.2012 other in-laws raised demand of gold bangles and Kuldeep Kaur raised demand of gold ring from Baljeet Kaur. On showing inability, she was given beatings and subjected to continuous harassment.

[8]. On 27.03.2012 Baljeet Kaur was left at village Lakhan in the house of her *mausa* by the in-laws from where she was brought to Hansi by her mother and brother. In-laws did not visit Hansi to take her back. A panchayat was convened on 08.06.2012 at village Lakhan in which in-laws agreed to take Baljeet Kaur back to her matrimonial house. She was kept well only for few days and again ill treatment was repeated on account of dowry.

[9]. On 05.01.2013 she was ousted from matrimonial house after giving severe beating. She came to Hansi and narrated the

story to her mother and brother and she was medically examined. On 28.03.2013 she had undergone an operation in Lilawati Hospital in Mumbai and her mother spent huge amount on her treatment. Baljeet Kaur has averred in the application for grant of interim maintenance that she has no resources to maintain herself and prayer for grant of interim monetary relief besides rent for the alternate accommodation were made. An application for interim relief was also filed.

[10]. The application was contested by in-laws by denying all the allegations. Even working of Avtar singh as Technician in Department of Botanical and Environmental Sciences in Guru Nank Dev University, Amritsar was denied. However it was admitted that he was earning Rs.20,000/- per month. Factum of his owning 11 acres of agricultural land was also denied. The in-laws also alleged that Baljeet Kaur was earning more than Rs.20,000/- per month from stitching working.

[11]. Trial Court after appreciation of material on record allowed the application for grant of interim maintenance to the tune of Rs.10,000/- per month. Interim maintenance of Rs.5,000/- as rent for alternate accommodation from the date of filing the petition was also awarded.

[12]. Husband and others being aggrieved against the order dated 28.05.2014, assailed the same in revision before Additional Sessions Judge, Hisar. Revisional Court has observed in the order that the conduct of revisionist is proved to be *mala fide* as he has

denied factum of his engagement as Technician in the Department of Botanical and Environmental Sciences in Guru Nanak Dev University, Amritsar, however this fact has been duly proved from the pay slip wherein total salary of Avtar Singh is depicted as Rs.30,963/-. After deduction of Rs.3523/- he is shown to be receiving Rs.27,440/- in April 2014. Even if the agricultural income is not taken into account at the first sight, income of the revisionist is proved to be more than Rs.50,000/- per month.

[13]. Learned counsel for the petitioner states that huge amount cannot be awarded to wife and wife cannot make the same to be profitable business so as to impede ultimate restitution of matrimonial life. It is also a settled principle that wife is equally entitled to spend life according to status of husband. The amount of maintenance has to be in consonance with the status of husband. Though maintenance is also granted to wife in order to prevent destitution and vagrancy to the wife but certainly wife is entitled to enjoy status in-consonance with the status of husband. The revisional Court has spoken broadly on these attending circumstances but at the same time, the amount of Rs.10,000/- was considered slightly on higher side and was reduced to Rs.8,000/- per month from the date of filing of the petition. However interim maintenance of Rs.5,000/- per month as rent for alternate accommodation was ordered to be maintained. Resultantly, revisional Court reduced the amount of Rs.10,000/- to Rs.8,000/- towards interim maintenance payable to Baljeet Kaur.

[14]. In CRR No.4247 of 2014 Baljeet Kaur has assailed order dated 10.10.2014 passed by Additional Sessions Judge Hisar reducing amount of maintenance of Rs.10,000/- to Rs.8,000/- per month being illegal and arbitrary.

[15]. According to learned counsel for the petitioners the monthly income of Avtar Singh is more than Rs.30,900/-. Avtar Singh has concealed his income. Even he denied his engagement with the University. A person who has not come to the Court with clean hands is not entitled to discretionary relief. On this premise Baljeet Kaur has prayed for restoration of order dated 28.05.2015 passed by Sub-Divisional Judicial Magistrate, Hansi.

[16]. I have considered rival contentions of both the parties.

[17]. Avtar Singh has admitted in his written statement that he is earning Rs.20,000/- per month. The conduct of Avtar Singh has not been found above board. Even he denied his engagement as Technician in the University. Factum of his engagement has been proved with reference to pay slip to the tune of Rs.30,963/-. After deduction of Rs.3523/-, he is shown to be receiving an amount of Rs.27,440/-. Qua deductions, he is the only person who is beneficiary thereof. On the one hand revisional Court has openly commented upon the conduct of Avtar Singh in so many words and held Baljeet Kaur to be entitled for maintenance as per equal status of Avtar Singh, but in the concluding part of judgment reduction of Rs.2,000/- has been made from the maintenance by holding that same is slightly on the higher side.

[18]. Once the revisional Court did not see any infirmity in the order passed by the trial Court, it was not correct on the part of the revisional Court to deduct the amount of Rs.2,000/- from the maintenance just on surmises by holding the same is slightly on the higher side. Once the salary of husband Avtar Singh is proved to be Rs.30,963/- and income from other sources is not being added to this, the grant of Rs.10,000/- towards interim maintenance and Rs.5,000/- as rent for alternate accommodation cannot be held to be on higher side.

[19]. Looking to the facts and circumstances, criminal revision No.3579 of 2014 filed by Avtar Singh and others is dismissed and criminal revision No.4247 of 2014 filed by Baljeet Kaur is allowed. Consequently, order dated 10.10.2014 passed by Additional Sessions Judge, Hisar is hereby set aside and order dated 28.05.2014 passed by Sub-Divisional Judicial Magistrate, Hansi is hereby restored. Baljeet Kaur is held entitled to sum of Rs.10,000/- per month as interim maintenance and Rs.5,000/- as rent for alternate accommodation from the date of filing of petition as directed by Sub-Divisional Judicial Magistrate, Hansi.

July 03, 2015  
*Atik*

**(RAJ MOHAN SINGH)**  
**JUDGE**