

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.708 of 2015 (O&M)

Date of decision: February 27, 2015

Gurvinder Singh

...Petitioner

Versus

Dupinder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vivek K.Thakur, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner Gurvinder Singh has filed this revision petition under Section 401 Cr.P.C. against Dupinder Kaur respondent challenging the judgment dated 20.12.2014 passed by learned Sessions Judge, Jalandhar.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that learned Addl. Chief Judicial Magistrate, Jalandhar vide order dated 06.08.2014 granted interim maintenance of ₹8000/- per month for the maintenance of minor child in the application under Section 12 of Protection of Women from Domestic Violence Act. Then appeal was filed by the present petitioner before learned Sessions Judge, Jalandhar, who dismissed the same vide judgment dated 20.12.2014. Aggrieved from that

judgment, present revision petition has been filed.

Further, I find that it is a revision petition and the petitioner is to show as to what illegality has been committed by the Courts below while passing the impugned orders. Learned counsel for the petitioner argued that excessive amount has been granted as interim maintenance. As per the record, it was alleged in the application that the present petitioner is earning ₹1.50 lacs per annum and leading luxurious life. He is engaged in the business of Audio, Video, Electronic, Computer and Security System under the name and style of Gurtek Tektronics. In reply, the respondent (present petitioner) stated that application is liable to be dismissed as his income has fallen due to slump in business and he is not drawing any income for the last about one year.

At the time of arguments, learned counsel for the petitioner also argued that mother of the minor child is also an earning hand. As per the findings of learned ACJM, Jalandhar, the fact that present respondent was drawing salary of ₹30,000/- per month is not in dispute and she has since been put under suspension and only drawing half of the salary in itself. The perusal of the orders shows that the present petitioner has nowhere mentioned his income and the argument that he is not earning due to slump in the business cannot be believed.

Learned Sessions Judge, Jalandhar, in appeal, has discussed these fact and has dismissed the appeal. Only ₹8000/- per month has been granted as interim maintenance, which in the facts

and circumstances of present case, cannot be held as excessive and version of the present petitioner cannot be believed as he has not shown his income which is in his knowledge.

The perusal of the judgment and order passed by the Courts below shows that no illegality has been committed.

In view of the above discussion, I find the judgment dated 20.12.2014 passed by learned Sessions Judge, Jalandhar and order dated 06.08.2014 passed by learned ACJM, Jalandhar are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

February 27, 2015
Vgulati

(INDERJIT SINGH)
JUDGE