

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

FAO-6371-2015(O&M)

Date of decision : 23.09.2015

Suresh Nandal

... Appellant

Versus

Smt.Sarita

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Sudhir Hooda, Advocate
for the appellant.

RAJIVE BHALLA, J.(ORAL)

CM-20042-CII-2015

Prayer in this application is to condone delay of 26 days in filing the appeal.

For reasons stated in the application and arguments addressed, the application is allowed and delay of 26 days in filing the appeal is condoned.

FAO-6371-2015

The appellant, husband challenges order dated 17.07.2015, awarding maintenance at ₹8000/- per month, from the date of the application.

Counsel for the appellant submits that findings recorded by the District Judge, Family Court, Rohtak, while awarding maintenance are contrary to the record. The respondent has not adduced any evidence to prove that the appellant runs a hotel in Gurgaon or that he has any income. The appellant sold his land to repay a loan and even otherwise as the respondent is

in possession of the appellant's house in village Bohar and has rented out a part of this building, she is not entitled to maintenance.

We have heard counsel for the appellant. Apart from the fact that the appellant sold 16 kanals 10 marlas of land on 18.04.2014 for ₹35 lacs, the appellant has not denied that he owns other land and resides in Gurgaon. The allegations that the wife has rented out a part of the house belonging to the appellant remains unsubstantiated. Consequently the order awarding maintenance @ ₹8000/- per month does not call for any interference.

Dismissed.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

September 23, 2015.

Davinder Kumar