

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1013 of 2016 (O&M)

Date of Decision: 23.05.2016

Sushma and Another

... Petitioner(s)

Versus

Harish

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

- | | | |
|----|---|------------|
| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Ved Parkash, Advocate
for the petitioner(s).

Shekher Dhawan, J.

CM-10767-CII-2016

Civil Misc. Application is allowed and documents i.e. application under Section 24 of the Hindu Marriage Act, 1956 for grant of maintenance pendete lite and its reply, are taken on record.

CR-1013-2016

Present petition under Article 227 of the Constitution of India for setting aside order dated 28.10.2015, passed by learned Additional District Judge, Panipat, whereby petitioner-wife was held entitled to claim interim maintenance at the rate of ₹ 4,000/- per month and another sum of ₹

decision.

Learned counsel for the petitioners submitted that the Court below has not considered the fact that meager amount, granted as interim maintenance to the petitioners, is not sufficient for their survival and prayed that impugned order be modified.

Having considered the submissions made by learned counsel for the petitioners and appraisal of the record of the case, this Court is of the considered view that parties have raised different claims regarding earning of the husband and undisputedly income of the husband was taken to be ₹ 10,000/- per month from rent. Out of that amount, the Court has already passed the order for payment of interim maintenance to the wife at the rate of ₹ 4,000/- per month and another sum of ₹ 2,000/- for her minor son. The Court below, while passing the impugned order, is to see the requirements of the applicants as well as the paying capacity of the husband and in the present case, the order under challenge has been passed by the Court below by taking these facts into consideration. More so, vide impugned order, the claim of petitioner-wife and her minor son has been decided regarding interim maintenance only.

In view of the aforesaid circumstances, present petition, being devoid of any merit, stands dismissed.

(Shekher Dhawan)
Judge

May 23, 2016
“DK”