

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1275 of 2016

Date of Decision.19.02.2016

Col. Paramjit Singh Palia

.....Petitioner

Vs.

Prof. Surinder Kaur

.....Respondent

Present: Mr. Jatinder Jit Kaur, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The petitioner is in revision challenging the interim maintenace awarded at ₹20,000/- against the husband who is an Army pensioner. The Court below was considering the issue from the point of view of the fact that his total income for the year 2014-2015 was returned as ₹5,36,028/- and he had paid about ₹20,437/- as tax. The statement from ICICI bank was that he was getting remittances of ₹52,242/- per month as pension for May, 2015 and for the remaining months. The petitioner is also having a house in Chandigarh which the wife was contending as having been let out by the husband at monthly rent of ₹1.80 lacs.

2. The husband's contention was that the wife was Head of the Department working in the University and after her retirement in January 2015, she obtained a large sum of money for gratuity and other retiral benefits. She is residing along with her son who is a Lecturer and she

takes tuition and earns substantial income. It is also contended that her medical expenses are being taken care of by availing free medical facilities as wife of Army pensioner and her needs cannot be more than what she is literally getting after payment of tax and other compulsory deductions. According to him, he draws from his pension only a net amount of ₹36,954/- and the direction of payment of ₹20,000/- is excessive.

3. It is admitted by the counsel for the petitioner that the wife has disclosed that the terminal benefits which she obtained has been spent by her for litigation expenses of her son who is fighting case against his wife. If she is conducting tuition, I cannot take it to be a substantial source of money and I will take it to be merely an avenue for respectable living by wife instead of having to cringe for financial assistance from her husband. The court has awarded maintenance taking note of the income tax returns and the remittances that are flowing into the bank account of the husband. I do not find any error in the order passed by the court below for intervention in the revision petition.

4. The revision petition is dismissed.

(K. KANNAN)
JUDGE

February 19, 2016
Pankaj*