

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

-.-

CR 1840 of 2016

Date of decision: 29.07.2016

Dharam Singh

..... *Petitioner*

Versus

Pritam Kaur and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Gurmeet Singh Saini, Advocate
 for the petitioner

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J. (Oral)

The present petition lays challenge to order dated 09.09.2015 passed by the Additional Civil Judge, Senior Division, Zira whereby the application for grant of interim maintenance has been allowed and the petitioner has been directed to pay maintenance *pendente lite* at the rate of Rs.7,500.00 per month each to the wife and minor child born out of the wedlock.

Counsel for the petitioner has submitted that as the respondents are residing in Canada and the petition has been filed through their attorney, they are not entitled to get maintenance. Another submission made by counsel is that the maintenance *pendente lite* awarded by the Court below is excessive and needs reduction. In addition, it is argued that the respondent-wife has a house in Canada and she has also filed a petition for divorce in Canada.

I have heard counsel for the petitioner and perused the paper

book particularly the order impugned.

The respondents have filed a suit for grant of maintenance by invoking provisions of the **Hindu Adoptions and Maintenance Act, 1956**. An application has been filed for permission to sue as an indigent person. The respondent wife claimed maintenance at the rate of Rs.15,000.00 per month to each of the applicant with a prayer for creating charge over land detailed in head note of the suit/application measuring 54 kanals 5 marlas being 1/4th share of land measuring 216 kanal 19 marlas and 45 kanals 18 marlas being 17/60 share of land measuring 160 kanal.

The mere fact that the respondents are residing in Canada neither debars them from filing the suit in India nor create a legal obstacle to claim maintenance from the husband who basically belongs to India and has landed property in India. Counsel for the petitioner has not disputed correctness of the averments with regard to land holdings of the petitioner. There is nothing on record suggestive of the fact that the respondents have any source for maintenance.

In this view of the matter, I do not find any error much less illegality in the impugned order warranting intervention. As a result, the petition fails and is dismissed *in limine*. However, nothing stated in the order shall prejudice either of the parties at the time of final disposal of the suit on merits.

(Rekha Mittal)
Judge

29.07.2016
mohan bimbira

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No