IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR No. 2223 of 2016(O&M)

Date of decision: 30.03.2016

Lakhwinder Singh

...... Petitioner

Versus

Surjit Kaur

........Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Kushagra Mahajan, Advocate
for the petitioner.

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DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 25.02.2016 passed by the learned Additional District Judge, Amritsar, whereby the application filed by the respondent under Section 24 of the Hindu Marriage Act, 1955 has been allowed, whereby the petitioner has been directed to pay a sum of Rs. 10,000/- per month as maintenance *pendente lite* and Rs. 10,000/- as litigation expenses.

2. Learned counsel for the petitioner contended that the petitioner is an old man. Learned Additional District Judge, Amritsar has awarded the maintenance *pendente lite* without taking into consideration the income of the petitioner. He contended that as per the Income Tax return of the petitioner, he was having only the income of Rs. 1,38,540/- per annum. He is more than 60 years of age. He needs money

for his own personal expenses in the old age. The respondent is residing with her son and is also having the rental income. Thus, he contended that the amount of maintenance fixed by the learned Additional District Judge, Amritsar is exorbitant.

3. I have duly considered the aforesaid contentions.

4. As per the case of the respondent, the petitioner is a jeweller by profession and is having a big jewellery shop. He has recently purchased a new *i 10* car worth Rs. 8 lacs. He also owns other immovable properties and having rental income to the tune of Rs. 1 lac. He is earning Rs. 6 lacs per month. Though, the petitioner has alleged that respondent is getting the rental income, but no proof thereof has been placed on record. Mere this fact that the respondent is residing with his son Gurpreet Singh, who is also a goldsmith by profession and maintaining her is no ground to decline the interim maintenance to the respondent as it is the duty of the petitioner to maintain the respondent being her husband.

5. The Income Tax return placed on record by the petitioner does not inspire any confidence. It is the specific plea of the respondent that he is a jeweller by profession. In the Income Tax return also the petitioner has shown his income from business/profession. It is not believable that a jeweller will be having such a meagre income as shown in the Income Tax return. The Income Tax return itself shows that he has taken a car loan, it means the petitioner is maintaining

a car. It is not possible that a person having less than Rs.12,000/- per month as income can maintain a car. Thus, no reliance can be placed on the Income Tax return brought on record by the petitioner.

6. As the petitioner is a jeweller by profession and respondent-wife has no independent source of income to maintain herself, the amount of maintenance *pendente lite* awarded by the learned Additional District Judge, Amritsar is quite reasonable. Consequently, the impugned order does not call for any interference by this Court.

7. Resultantly, the present revision petition having, no merits, is hereby dismissed.

(DARSHAN SINGH)
JUDGE

30.03.2016

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