

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

CR No. 2232 of 2016

Date of decision: 30.03.2016

Chirag Ranjan

..... Petitioner

Versus

Meenakshi

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Rajesh Hooda, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 08.02.2016 passed by the learned District Judge, Family Court, Rohtak, vide which the application filed by respondent-wife under Section 24 of the Hindu Marriage Act, 1955 has been allowed, whereby the petitioner has been directed to pay a sum of Rs. 6000/- per month as maintenance *pendente lite* and Rs.5000/- as litigation expenses.

2. Learned counsel for the petitioner contended that the petitioner is only working as a labourer in a Hardware Glass Shop. No material has been placed on record by the respondent-wife to show that he is the partner in that shop. Learned District Judge, Family Court has wrongly relied upon a visiting card to arrive at the conclusion that he is the owner of the shop. He contended that the petitioner is hardly having income of Rs. 5000/- to 6000/- per month. So, he is not in a position to pay Rs. 6000/- per month as maintenance

pendente lite to the respondent. Thus, he contended that the impugned order is illegal.

3. I have duly considered the aforesaid contentions.

4. As per the case of the respondent-wife, the petitioner-husband is running a showroom of Hard Ware Glass and Grill Works at Sonapat road Rohtak. He is earning Rs. 1,50,000/- per month. He also owns movable and immovable properties in his name. In reply to the application, the petitioner has alleged that the respondent-wife is doing the stitching work and is earning Rs. 35,000/- per month. He further pleaded that he is an unskilled person and doing the labour work at the Hardware Glass and Grill Works at Sonapat road Rohtak and is earning Rs. 5000/- to Rs.6000/- per month and is not able to maintain even himself.

5. The petitioner is alleging that he is working as a labourer on the shop i.e. Hardware Glass and Grill Works at Sonapat road Rohtak. The petitioner has not placed on file any documentary evidence to show that he was just working as a labourer in Hardware Glass and Grill Works at Sonapat road Rohtak. If, he was working just as a labourer and was getting the wages/salary, that must have been shown in the accounts of the firm. But, no such document has been placed on record. Annexure P-4 is the copy of the visiting card, wherein the name of both the brothers Sunny Ranjan and Chirag Ranjan (petitioner) has been shown printed. This visiting card

relates to Shivam Glass house. Similarly, the name of the petitioner also figures in the visiting card of Xpert Steel Fabrication along with his mobile number. There is no reason not to *prima facie* rely upon these documents which *prima facie* negates the plea of the petitioner that he was working only as a labourer. The petitioner in the reply has not even mentioned with which Hardware Glass and Grill Works, he is working as a labourer and who is the owner thereof. Thus, *prima facie* there is no escape from the conclusion that the petitioner is involved in the business of Hardware Glass and Grill Works. Consequently, the maintenance *pendente lite* awarded by the learned District Judge, Family Court, Rohtak @ Rs.6000/- per month is quite reasonable and justifiable.

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

30.03.2016

S.khan

**(DARSHAN SINGH)
JUDGE**