

107.

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

Civil Revision No.2782 of 2016

Date of decision:23.04.2016

Dr. Gursharan Singh Gill

... Petitioner

versus

Dr. Amanvir Kaur

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Jasdev Singh Mehndiratta, Advocate,
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The revision is against an order of interim maintenance of ₹15,000/- directed to be paid to the wife by the husband. Admittedly, the wife is also a doctor and her plea was that she has not been working after 2013 and she has no source of livelihood. The husband's contention is that he is blind in one eye and working in a charitable hospital, drawing ₹23,000/-. His income tax returns showed that he was returning an annual income of around ₹5 lakhs just prior to the filing of the petition. Evidently, he has other sources of income than the salary which he is getting from the charitable hospital that he is working in. The husband contended

that the wife is in possession of ancestral land along with her mother and she was getting more than ₹8 lakhs as income.

2. There was no proof of the assertions made by the husband that the wife had other sources of livelihood. The argument is that the wife cannot stop working and make a claim against the husband. In a typical Indian social condition, the wife expects to be maintained by the husband and if she is not working and making a claim against the husband for maintenance, it will be too harsh to assume that she stopped working only to claim maintenance. It appears that the claim for maintenance was obtained on behalf of son which was determined at ₹6,000/- but this will not in any way affect her own claim to obtain maintenance in matrimonial proceedings. The amount determined at ₹15,000/- per month as payable is too modest a sum for a person whose annual income is about ₹5 lakhs.

3. The counsel for the petitioner states that he is in arrears to the tune of ₹8 lakhs and he shall be permitted to pay the amount in installments. I shall not be able to give any such direction but I will only observe that the trial court will not put the matter for trial to benefit the husband so long as the arrears remain due. The trial court shall ensure that all the arrears are fully paid before the husband has any audience before the court to seek for relief claimed in the main petition.

4. The revision petition is dismissed but with the above observations.

(K.KANNAN)
JUDGE

23.04.2016
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