

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

Civil Revision No.3430 of 2014

Date of decision: **11.04.2016**

Pradip Bhandari

... Petitioner

versus

Anu Bhandari

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Gaurav Chopra, Advocate,
for the petitioner.

Mr. Gourave Bhayya Gilhotra, Advocate,
for the respondent.

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.

1. The revision is against the order of maintenance granted in matrimonial proceedings under Section 24 of the Hindu Marriage Act. The husband complained that the amount of ₹1,50,000/- as interim maintenance payable is excessive. The contention of the wife is that the husband is a legal practitioner, assessed to tax and owns properties worth several crores of rupees.

2. I had directed the counsel for the revision petitioner to file an affidavit giving the details of property which he owns and the

income that is being earned by him. On the basis of records submitted, the following details have been elicited:-

Sr. No.	Assessment Year	Gross total income
1.	2010-11	Rs.4,47,827/-
2.	2011-12	Rs.9,23,797/-
3.	2012-13	Rs.6,53,878/-

A house in Noida which the petitioner has obtained by allotment is stated to be remaining vacant but admittedly the property was purchased for nearly ₹75 lakhs and even if loan had been raised, it is an expression of the means to repay out of the income that he is earning. I will take the professional income at an average of ₹75,000/- per month.

3. From out of the agricultural land in Village Golpura, it is stated that there is no income and it is merely comprised of trees which are not fruit yielding. I do not believe this assertion and I take the income at a modest sum of ₹5,000/- month. In the Village Samlehri, there is 8 kanals of gair mumkin land which does not also secure income. The plot in Panchkula cannot also secure any income. I will discard this property as of any consequence for determination of maintenance. There is a SCF No.16 at Manimajra, Chandigarh, which is admittedly income yielding. Out of the monthly rent, after TDS of ₹32,400/-, he is receiving ₹16,200/-. He is reported to have 8 servants at home for domestic and office purposes. He has five cars; 3 mobile members of phones and one landline. The social status of the husband is: He is the son of a

retired Judge of the High Court. About his standard of living, he has taken his wife and children to U.K. and USA. He has ₹41 lakhs FDR as disclosed to police and invested large sum of several lakhs. Considering the status of the person and the source of income which are available, I am of the view that ₹50,000/- in all to the wife and children per month as maintenance would be appropriate. This shall be the amount which shall be taken as payable. This shall be in addition to the actual tuition fees payable for the children. The wife is at liberty to furnish the said information of the actual fees paid after the filing of the petition before the trial court that includes tuition fees and collect the same from the respondent or adjust against the amounts already paid, if in excess. For future expenses as and when they become due, a written memo may be sent to the husband who shall make the payment to the school within a week from the date when the demand is made and before the last date when the payments have to be done. Any failure to make the payment for tuition fees and other charges payable to the school will be construed as non-compliance of the direction for payment of maintenance.

4. All the payments made in excess of the amounts which are now directed to be paid through this order will be adjusted against the future arrears provided however this adjustment will be done only for any sum in excess of ₹30,000/- per month, meaning

thereby that even if any extra amount had been paid and there is no amount payable @ ₹50,000/- per month for all three of them and the amount paid already will cover also the educational expenses actually incurred, the husband will still be liable to pay the minimum amount of ₹30,000/- and the adjustment could come out of the balance only.

5. The interim order already passed is modified and the revision petition is allowed to the above extent.

(K.KANNAN)
JUDGE

11.04.2016
sanjeev