

CR No. 3910 of 2016

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 3910 of 2016
Date of decision : June 1 , 2016

Vikas Talwar

..... Petitioner

Versus

Payal

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. V. K. Sandhir, Advocate
for the petitioner.

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

Amit Rawal, J (oral).

The petitioner-husband is aggrieved of the impugned order allowing the application filed under Section 24 of the Hindu Marriage Act, 1955 whereby interim maintenance to the tune of ₹5,000/- per month and litigation expenses @ ₹5,000/- have been awarded in a divorce petition filed by the respondent wife.

Learned counsel appearing on behalf of the petitioner submits that prior to filing of the aforementioned application, divorce petition under Section 13-B of the Hindu Marriage Act, 1955 was filed which was agreed to be decided on payment of ₹2.5 lacs and ₹1.25 lacs has already been paid, therefore the amount should have been adjusted as the respondent-wife did not come forward for suffering the statement in second motion. Even she did not disclose the fact that she is working as a teacher.

The said application should have been thrown away at the threshold.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that as regards the employment of the respondent-wife as teacher, no documentary evidence has been brought on record. It is the divorce petition filed at the instance of the wife and in case after contesting the matter, the court formed an opinion that the petition is to be disposed of in the manner on the basis of preponderance, the Court shall consider the payment of ₹1.25 lacs already paid by the petitioner-husband, much less the petitioner shall be at liberty to seek reduction of the maintenance pendente lite in case subsequent evidence of her proves that she is working as a teacher or any other source of income surfaces.

In view of the aforementioned facts, I am of the view that maintenance pendente lite and litigation expenses are perfect and justified.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

June 1 , 2016
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