

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

CR No. 4268 of 2016
Date of decision:12.07.2016

Rajbir Singh Dhillon

....Petitioner

Versus

Jagroop Kaur and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. APS Sandhu, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant revision petition has been filed for setting aside the order dated 08.02.2016 passed by learned Civil Judge (Junior Division), Amritsar, whereby respondent No. 1 has been granted ₹ 15,000 and respondent No. 2 has been granted Rs.10,000/- per month as interim maintenance.

Brief facts of the case are that the respondents filed a suit for declaration along with application for maintenance under Section 18 & 20 of Hindu Adoption and Maintenance Act. Vide order dated 08.02.2016, learned Civil Judge (Junior Division), Amritsar, has granted ₹ 25,000/- per month as interim maintenance to the respondents. Hence, this revision petition.

Learned counsel for the petitioner vehemently contended that interim maintenance granted by the learned Court below is on the higher side. Moreover, respondents are not entitled

for any maintenance as respondent No. 1 herself is a Post Graduate and is earning handsome income.

I have considered the contentions raised by learned counsel for the petitioner.

There is no force in the contentions raised by learned counsel for the petitioner. The petitioner is admittedly serving as a Senior Sales Manager with Zonal Office of IDEA Cellular Company and pleadings are to the effect that he is getting more than Rs. 2 lakh per month. The Court has also observed that the basic pay of the petitioner is ₹ 51,000/- per month. Taking into consideration the present rate of DA which is more than 120 %, the salary must be more than ₹ 1 lakh. 1/3rd of the income is generally awarded as maintenance to the wife. Not only this there is reference of kothi numbers in District Amrtisar and other agricultural property in which petitioner has a share. Keeping in view the income as well as property, no ground is made out for interference.

Learned counsel further contended that the petitioner is no more in job. No material evidence has been brought on record to show that the petitioner is out of job. It cannot be believed why a person who is on such a senior job will leave the same and is without job. It appears that just to deprive the wife and the minor child, he may have done this. Otherwise also, it is the duty of a husband to maintain his wife so that she is not left in the lap of vagrancy and destitution. ₹ 25,000/- per month granted to the respondents as interim maintenance cannot in any terms be said to

be on the higher side.

I do not find any illegality or perversity in the impugned order.

Dismissed in limine.

12.07.2016

PA

(Paramjeet Singh Dhaliwal)
Judge