

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

CR No.4322 of 2016(O&M)

Decided on.08.11.2016.

Rahul Gupta

.....Petitioner

Versus

Ritika Gupta

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 23.02.2016 passed by the learned Additional District Judge, Amritsar, whereby the application filed by the respondent-wife for grant of maintenance *pendente lite* has been allowed and the petitioner has been directed to pay the interim maintenance at the rate of Rs.8000/- per month and Rs. 8000/- as litigation expenses.

2. I have heard Mr. Anupam Bhardwaj, Advocate, learned counsel for the petitioner and have carefully gone through the paper book.

3. Initiating the arguments, learned counsel for the petitioner contended that the petitioner-husband has no independent source of income. He was just helping his father who runs a shop. The learned trial Court has wrongly mentioned that the shop was being run by the petitioner. He further contended that the minor daughter is also residing with the petitioner and he is looking after her. He has the additional responsibility to look after his minor daughter. Thus, he contended that

the amount of maintenance fixed by the learned trial Court is on higher side.

4. I have duly considered the aforesaid contentions.

5. Learned trial Court has awarded the interim maintenance to respondent-wife at the rate of Rs.8000/- per month. As per the averments in the application, the petitioner-husband was running the general/provisional store and is earning Rs. 1 lac per month. However, the learned trial Court has taken the income of the petitioner-husband to be Rs. 30,000/- per month. The petitioner has not been able to place on record any material to show that the respondent-wife has sufficient income from her own source to maintain herself.

6. The quantum of interim maintenance i.e. Rs.8000/- per month cannot be stated to be exorbitant by any stretch of imagination keeping in view the fact that the petitioner-husband is running the general/provisional store. He has not placed on file any documentary evidence to show that said provisional store was owned by his father and he was just a helping hand.

7. Thus, keeping in view my aforesaid discussion, I do not find any illegality in the impugned order passed by the learned trial Court and it does not call for any interference by this Court.

8. Thus, the present revision petition having no merits, is hereby dismissed.

(DARSHAN SINGH)
JUDGE

08.11.2016

S.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No