

Civil Revision No. 4850 of 2015

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision:21.12.2016

Civil Revision No. 4850 of 2015

Ravinder Kaur

---Petitioner

vs.

Sukhjinder Singh

---Respondent

Civil Revision No. 5209 of 2015

Sukhjinder Singh

---Petitioner

vs.

Ravinder Kaur

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.G.S.Duhan, Advocate
for the petitioner in CR-4850 of 2015
for the respondent in CR-5209 of 2015

Mr. J.S.Bhatia, Advocate

for the respondent in CR-4850 of 2015
for the petitioner in CR-5209 of 2015

Rekha Mittal, J.

This order will dispose of Civil Revision Nos. 4850 of 2015 and 5209 of 2015 as these have emerged out of the same order dated 11.5.2015 passed by the Additional District Judge, Kurukshetra whereby maintenance pendente lite @ Rs. 5,000/- per month and Rs. 5,000/- towards litigation expenses under Section 24 of the Hindu Marriage Act, 1955 (in short “the Act”) has been awarded in favour of Ravinder Kaur. For the sake of convenience, facts are taken from Civil Revision No. 4850 of 2016.

The petitioner-wife has filed a petition under Section 13 of the Act seeking dissolution of marriage of the parties. She filed an application under Section 24 of the Act for grant of maintenance pendente lite as well as litigation expenses and the same was allowed in terms of order noticed hereinbefore.

The sole submission made by counsel for the petitioner is that the respondent-husband is working as a Head Constable in Punjab Police at a salary of Rs. 40,000/- per month besides other perks. He and his family

owns land measuring 08 acres at village Fatehpur (Navapind) District Tarn Taran and an amount of Rs. 1,00,000/- per month is earned from agriculture produce and cash crops grown in the land. It is further pleaded that the petitioner was working as a Vice Principal with the Kapisthal Institute of Medical Science and Nursing Gharsi, Tehsil Thanesar District Kurukshetra and she left the job on 30.4.2015, therefore, she has no source of income to maintain herself requiring the respondent-husband to provide adequate maintenance.

Counsel for the respondent, on the contrary, has submitted that it is difficult to accept to reason that a woman who has marital disharmony would like to quit her job particularly as Vice Principal of an institute. It is further argued that even as per the latest affidavit dated 13.12.2016 filed by the petitioner, she again joined the institute on 30.10.2015 and period of her service was extended till 10.12.2016. It is argued with vehemence that plea of the petitioner that she had given up the job with the institute on 30.4.2015 due to some dispute amongst the members of society that cropped up in August 2012 is patently false and untenable. It is further argued that even her plea with regard to joining the institute after six months as temporary nursing tutor till 10.12.2016 is another effort on her part to

press her claim for getting maintenance pendente lite from her husband.

I have heard counsel for the parties, perused the paper book particularly affidavit dated 13.12.2016 filed by the petitioner in compliance of order dated 9.11.2016.

On 9.11.2016, the petitioner was directed to place on record copy of the jamabandi in respect of land and affidavit of the petitioner that she is no longer gainfully employed whereas the respondent was directed to produce his latest salary slip as well as salary slip of the time when application under Section 24 of the Act was filed. In response thereto, the petitioner filed her affidavit and certain documents with regard to land, however, the respondent-husband failed to file any response or producing his salary slip either latest or of the earlier period. As the respondent-husband failed to comply with the order passed by this Court, he is not entitled to be heard on merits of the petition preferred by him to assail the impugned order and accordingly, the petition bearing No. Civil Revision No. 5209 of 2015 is ordered to be dismissed. Though the petitioner has filed her affidavit in order to explain the circumstances under which she left the job as Vice Principal of the institute but she has not placed on record any documents of the institute with regard to her leaving the job on

30.4.2015 and thereafter joining the institute on 13.10.2015 as temporary nursing tutor viz-a-viz her earlier position as a Vice Principal and that too at a monthly salary of Rs. 10,000/- and her service being not extended after 10.12.2016. A careful reading of the affidavit does not give a clear picture and creates a serious doubt regarding bona fides of claim that the petitioner is no longer working with the institute. As conduct of the petitioner is not free from blemish, she has rendered herself disentitled to indulgence of this Court for enhancement of maintenance pendente lite and litigation expenses.

For the aforestated reasons, the petitions fail and are accordingly dismissed. However nothing stated in this order shall be construed as an expression of opinion on merits of the case.

(Rekha Mittal)
Judge

21.12.2016
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No