

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

**CR No. 4783 of 2013 (O&M)
Date of decision: 15.01.2016**

Bhanu Pratap

... Petitioner

versus

Vandana Kushwaha

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. D.K.Singal, Advocate for the petitioner.

Ms. Jigyasa Tanwar, Advocate for the respondent.

K.Kannan, J. (ORAL)

CM No. 688-CII of 2016

CM is allowed.

Annexure P-15 is taken on record subject to all just exceptions.

CM No. 26809-CII of 2015

CM is allowed.

Appeal is restored to its original number.

CR No. 4783 of 2013

The revision is against the order granting maintenance of Rs.40,000/- to a wife against her husband who was a Colonel in the Indian Army. The wife's contention was that husband has failed to disclose the income of what he is earning as pension inspite of several opportunities granted to him. The wife has given the list of properties alleged to be in the hands of the husband that included an orchard of 16 acres, several shops, school and other buildings. During his service, the employer was deducting around Rs. 28,000/- from his income towards maintenance of the wife and children. The Court examined the needs of the children both of whom were admittedly maintained by their mother the Court awarded Rs. 40,000/- per month as maintenance.

In the revision, I directed the revision petitioner to file an affidavit disclosing the properties and the income that he is earning. The petitioner would contend that he is earning a pension of Rs. 56,934/- and the tax component would be around Rs. 6,000/- as certified by Chartered Accountant. He owns an agricultural land of 18 bighas which is a mangrove and it has been leased out for an annual income of Rs. 50,000/-. According to him, he has no other assets available with him.

Proceedings under Section 24 are invariably summary and the assessment would have to be on the basis of what is possible for a Court to see as the income which the husband is earning and the reasonable wants of the spouse for herself and the persons who she has to maintain. I cannot merely take the assertions made that the husband has owned several extent of properties with no proof than mere assertions. There is surely a great responsibility which the wife is shouldering by bringing up the children admirably, one is said to be participating in cricket at international level and another making earnest efforts to get into a professional course. The children ought to be themselves a great source of strength and I believe she will display the same vigour and care that she has so far done in the absence of her husband. Even as I credit her for contribution that she is making for her family, I will scale down the maintenance down to Rs. 30,000/- on the basis of the income resources disclosed instead of the amount of Rs. 40,000/-, already assessed.

The order already passed is set aside and the liability is reduced to Rs. 30,000/-.

The civil revision petition is disposed of with above observations.

(K.KANNAN)
JUDGE

15.01.2016

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