

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

CR No. 5232 of 2015
Date of decision: 09.12.2016

Manjit Singh		 Petitioner
	Versus	
Amandeep Kaur		 Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Anmol Pandit, Advocate,
for the petitioner.

Mr. Saurabh Bajaj, Advocate with
Mr. B.B.S Randhawa, Advocate (legal aid counsel)
for the respondent.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against the order dated 21.07.2015 passed by the learned Additional District Judge, SAS Nagar, Mohali, whereby the respondent-wife has been allowed maintenance pendente lite @ ₹ 20,000/- per month and ₹ 5,000/- per month for the minor child of the parties, staying with the respondent.

Counsel for the petitioner has submitted that gross-salary of the petitioner is ₹ 62,000/- per month. The petitioner is residing in Delhi and has hired accommodation for his residence. It is further submitted that besides payment of rent, he has to incur expenses on his day to day living, therefore, in case the order passed by the Court below is sustained, the petitioner would hardly be left with any money to meet his requirements

Counsel for the respondent, on the other hand, has supported the impugned order with the submissions that assuming though not admitting that the petitioner is getting gross salary of ₹

62,000/- per month, maintenance awarded by the Court below does not warrant intervention. It is further argued that apart from the petitioner's legal and moral obligation to maintain his wife and the minor child, wife is entitled to enjoy the same amenities of life as she would have, had she been residing with her husband. It is further submitted that the respondent and the minor child needs money for their day-to-day expenses besides education of the child, a student of Lower Kindergarten.

I have heard learned counsel for the parties, perused the paper-book and the records.

Be that as it may, it is undisputed position in law that the petitioner has an obligation to provide adequate maintenance to his wife and the child. Counsel for the petitioner has fairly informed that the petitioner has got no objection with regard to payment of maintenance @ ₹ 5,000/- per month for child of the parties.

As has been rightly argued by counsel for the respondent that the respondent-wife is entitled to enjoy the same amenities of life as she would have had she been residing in the matrimonial home with her husband. The Courts have gone to the extent of saying that even if the husband has turned hermit, he is required to return to the social life to earn livelihood for his family. In view of the skyrocketing prices of daily necessities of life coupled with the discussion made hereinbefore, it is difficult to accept that the maintenance assessed by the Court below is on higher side or warrants intervention. If the husband needs more money for himself,

he may be required to create extra resources but that itself is not sufficient to escape from liability to pay reasonable maintenance to his wife and the child.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed.

No order as to costs.

09.12.2016

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No