

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

CR No.5474 of 2015

Date of decision : 29.04.2016

Satnam Singh

...Petitioner

Versus

Paramjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. P.K. Bansal, Advocate for the petitioner.

Mr. K.R. Dhawan, Advocate for the respondent.

AMIT RAWAL, J. (Oral)

The petitioner-husband is aggrieved of the impugned order, whereby interim measures in a suit/application under Section 33 CPC, maintenance of ₹5,000/- has been ordered to be paid.

Learned counsel appearing on behalf of the petitioner submits that after assessing the income of the petitioner at the rate of ₹7500/-, Court ought not to have awarded maintenance at the rate of ₹5,000/-. At the best by applying 1/3rd cut, maintenance pendente lite is liable to be reduced to ₹3000/- per month and, therefore, order under challenge is not only illegal but perverse and interim measure is exorbitant.

Mr. Dhawan, learned counsel appearing on behalf of respondent-wife has drawn attention of this Court to categoric averments made in the application seeking interim relief and in reply to contend that petitioner had not denied ownership of the land measuring 49 kanals 13 marlas and also admitted the income of 6 lacs per annum.

I have heard learned counsel for the parties and appraised the paper book.

It would be apt to reproduce para No.3 of the application and reply thereto:-

“Para No.3 of the application:-

3. *That the respondent is the owner of land measuring 49 kanals 13 marlas as fully detailed in the heading of the plaint and used to take the land on lease also and the earning of the respondent from agriculture is more than Rs.6 lacs per annum and besides this the defendant is doing the business of milk dairy and the earning of the respondent is more than Rs.20,000/- per month. The applicant have no source of income and have no moveable or immoveable property. Applicant is not able to do any work and she cannot earn herself. The respondent has no liability except the applicant. It is desirable that during the pendency of the main case, interim maintenance and litigation expenses be granted to the applicant.*

Para No.3 of the Reply:-

3. *That para No.3 of the application is correct to the extent that the respondent owns agriculture land but it is denied that he owns 49 kanals 13 marlas of land. The land is transferred or purchased by the father of respondent on the name of respondent. The respondent has another brother and he has to provide maintenance to his mother.*

It is wrong that agricultural income of respondent is more than 6 lacs per annum. He has not more than Rs.1 lac income from agriculture income. The respondent has no milk dairy business and he earns nothing from the dairy business. It is wrong that the applicant has no source of income. She owns moveable and immovable property which is sufficient to provide maintenance to her.”

On co-joint reading of the application and reply, in my view petitioner has denied the ownership of the land and not given correct particulars/area of the land actually held for the land measuring 49 kanals 13 marlas and prima facie cannot be believed that income of the petitioner is ₹1 lac.

Parties shall be at liberty to lead evidence with regard to income. This view of mine cannot be construed an expression on merits.

Order under challenge, granting maintenance pendente lite of ₹5,000/- is affirmed.

No ground for interference is made out.

Dismissed.

29.04.2016

pawan

**(AMIT RAWAL)
JUDGE**