

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6839 of 2015

Date of Decision: May 03, 2016

Pritam Chand

...Petitioner

Versus

Mrs.Kanta Devi & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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

Present: Mr.R.D.Bawa, Advocate,
for the petitioner.

None for the respondents.

AMIT RAWAL, J. (Oral)

Petitioner-husband is aggrieved of the impugned order passed on the basis of the alleged statement suffered on 1.8.2015, whereby he is allegedly undertaken to pay interim maintenance at the rate of ₹10,000/-.

Mr.R.D.Bawa, learned counsel for the petitioner-husband has drawn the attention of this Court to the certified copy of the statement which shows that the statement was suffered under protest. He further submits that a divorce petition was also filed, but the same has been dismissed and FAO-M No.207 of 2014 is stated to be pending in this Court and the respondent-wife shall be entitled to claim maintenance pendente lite under Section 24 of the Hindu Marriage Act.

Notice of motion in this case was issued on 14.10.2015. As per office report, service has been effected, but there is no representation on

behalf of the respondents. Accordingly, I proceed to decide the present petition.

While issuing notice of motion, the petitioner was called upon to pay ₹5,000/- as maintenance charges w.e.f. 1.8.2015. Mr.Bawa submits that he has already deposited a sum of ₹15,000/- and would clear the arrears, if found due, within a period of one month.

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

For the sake of brevity, statement dated 15.9.2015, certified copy of which is lying in the file, reads thus:-

“Statement of Kanta Devi Plaintiff no.1 on SA.

Awantica plaintiff no.2 is presently studying in B.Sc. IInd year in A.B.College, Pathankot. Plaintiff no.3 is studying +2. I have no source of income. I am finding very hard to bear their study expenses.

RO&AC

Ramesh Kumari

District Judge,

Family Court,

Pathankot, 15.09.2015.

Statement of Pritam Chand respondent on SA.

I am ready to pay Rs.10,000/- to the plaintiffs w.e.f. 01.08.2015.

under protest

Ramesh Kumari

Sd/-

District Judge,

RO&AC

Family Court,

Pathankot, 15.09.2015.

Statement of Kanta Devi Plaintiff no.1 on SA.

I have no objection if the respondent is directed to pay interim maintenance as per his statement, however I reserved my right to get maintenance from the respondent which will be fixed by the court while deciding the case on merits.

RO&AC

Ramesh Kumari

District Judge,

Family Court,

Pathankot, 15.09.2015. ”

From the perusal of the aforementioned statement, it is evident that Pritam Chand had made the statement to pay ₹10,000/- to the respondent w.e.f. 1.8.2015 under protest, but in the impugned order, the Court has taken the statement as correct as if the petitioner has undertaken to pay the maintenance pendente lite.

Accordingly, the impugned order dated 15.9.2015 is modified and it is directed that the maintenance pendente lite would be considered as ₹5,000/-.

It is made clear that the petitioner-husband shall clear all the outstanding dues w.e.f. 1.8.2015 within a period of one month from receipt of certified copy of order and in case of any consecutive default, the order impugned shall come into operation.

The request for seeking stay of the suit is hereby declined.

Revision petition stands disposed of.

May 03, 2016
ramesh

(AMIT RAWAL)
JUDGE