IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.7293 of 2016(O&M)

Date of decision:27.10.2016

Virender Singh ….Petitioner

VERSUS

Poonam and another .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.S. Virk, Advocate for the petitioner.

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REKHA MITTAL, J.(Oral)

The present petition has been directed against order dated 02.09.2016 (Annexure P-1) passed by the Additional District Judge, Panipat whereby application filed by the respondent-wife (respondent No.1) for grant of maintenance pendente lite has been allowed and maintenance at the rate of Rs.8,000/- per month, payable from the date of application, and Rs.2200/- as litigation expenses, have been assessed.

Counsel for the petitioner has submitted that the petitioner is owner of agricultural land measuring about 5 acres but plot No.1764, Sector 18, Panipat has been sold by him. It is further submitted that mother of the petitioner suffered heart attack and for her treatment, he had to raise a loan. Another submission made by counsel is that in the Income Tax Return (in short 'ITR') filed for the financial year 2015-16, his annual income is Rs.1,16,000/- and some odd amount. In addition, it is submitted that the respondent-wife is M.B.A, B.Ed., doing a job, sufficient to maintain herself and the minor child of the parties. However, the petitioner has got no objection to pay reasonable maintenance to the child.

I have heard counsel for the petitioner, perused the paper-book particularly the order impugned.

As per plea of the petitioner, he is owner of 5 acres of agricultural land. He was owner of plot No.1764, Sector 18, Panipat stated to have been sold by him. Counsel for the petitioner is not in a position to say something about sale consideration received by him. The petitioner filed the ITRs and copies of ITRs for the years 2010-11 to 2014-15 were placed on record. The petitioner filed the latest ITR showing annual income of Rs.1,16,500/-. As the litigation is pending since 2015, latest ITR reflecting less income to avoid liability of maintenance is not ruled out. On the contrary, there is nothing on record suggestive of the fact that the respondent-wife is gainfully employed or has any source of income.

Keeping in view prices of daily necessities of life coupled with liability of respondent to maintain the child of the parties, maintenance assessed by the Court below, by no means, can be termed to be unreasonable warranting intervention. However, the Court has awarded litigation expenses of Rs.2200/- that is on lower side. The respondent-wife shall be entitled to litigation expenses of Rs.15,000/-.

The petition stands disposed of with the aforesaid modification.

OCTOBER 27, 2016 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no