

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.7368 of 2016

Date of Decision: 13.12.2016

Gursewak Singh

--- Petitioner

versus

Jaswinder Kaur alias Paramjit Kaur and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sherry K.Singla, Advocate
for the petitioner

Rekha Mittal, J.

The present petition directs challenge against order dated 8.9.2016 (Annexure P-4) passed by the trial court whereby application filed under Section 24 of the Hindu Marriage Act has been allowed and the petitioner has been directed to pay maintenance pendente lite at the rate of Rs. 15000/- per month for the respondent -wife and two minor children of the parties.

Counsel for the petitioner would submit that the trial court has fastened huge liability upon the petitioner by taking into consideration that the petitioner has received an amount of Rs. 64,10,000/- in regard to sale of land vide sale deed dated 9.12.2015 (Annexure P-5) executed by him in favour of his mother. It is argued that as a matter of fact, the petitioner has not received any money from his mother and value of Rs. 64,10,000/- has been mentioned on the basis of Collector rate only for the purpose of payment of requisite stamp duty and registration charges. Another submission made by counsel is that assuming that the petitioner still owns 8 acres of land, maintenance assessed by the court below is more than his

known source of income.

I have heard counsel for the petitioner, perused the paper book and the various annexures including the sale deed (Annexure P-5) and the order impugned(Annexure P-4).

The very fact that the petitioner has transferred land measuring 68 kanals 3 marlas in favour of his mother on 9.12.2015 after filing the petition for divorce in November 2015 speaks volume of his intention to deny maintenance to his wife and children. A person guilty of such an unwarranted conduct disentitles himself to seek indulgence of the court. This apart, it is difficult to accept to reason that a person would deprive himself of his entire property and render himself at the mercy of others by not accepting its value had the transaction been genuine. These facts apparently demonstrates that the petitioner has executed the sale deed to ensure that he does not part with any amount in favour of his wife and children.

Considering the prices of daily necessities of life and the factum that needs of the minor children stand at a better footing, I do not find any reason to interfere in the maintenance assessed by the Court below. I would hasten to add that a sum of Rs. 15,000/- per month may not be suffice to meet daily needs of three persons what to talk of providing them comforts and luxuries.

For the foregoing reasons, the petition fails and is accordingly dismissed.

(Rekha Mittal)
Judge

13.12.2016
PARAMJIT

Whether speaking/reasoned : Yes/No