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

Civil Revision No.7511 of 2015

Date of Decision: 02.08.2016

DILBAGH SINGH

.....Petitioner

Vs

MANPREET KAUR

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.D.S. Jatana, Advocate
for the petitioner.

Mr. B.S. Mittal, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. Petitioner has assailed order dated 01.09.2015 (Annexure P-5) passed by Additional District Judge, Sirsa in an application under Section 24 of Hindu Marriage Act, 1955 (hereinafter to be referred as 'the Act') filed by the respondent-wife in the petition under Section 13 of the Act filed by the petitioner-husband for dissolution of marriage by decree of divorce.

[2]. Vide the impugned order an amount of Rs.20,000/- per month was granted to the respondent-wife as maintenance *pendente lite* for her and for her minor son from the date of filing

of the application. A sum of Rs.10,000/- was also granted towards litigation expenses.

[3]. Though this case was referred to the Mediation and Conciliation Centre of this Court, however as per endorsement, this case has been listed before this Court. With the concurrence of learned counsel for both the parties, the arguments have been heard on merits of this case.

[4]. Learned counsel for the petitioner submitted that the petitioner is not having 25 acres of land as claimed by the respondent-wife and the two shops belonging to the sister of the petitioner are already with the respondent and she is drawing rent from these two shops in a sum of Rs.10,000/- per month. The vehicles i.e. make Maruti Swift car and TVS Scooty are also claimed to be with the respondent-wife and petitioner is paying the installments. In pith and substance, the claim of the petitioner is that the amount awarded by the trial Court is on the higher side.

[5]. Learned counsel for the respondent submitted that the respondent along with minor son are living in Sirsa in a rental accommodation. Rent to the tune of Rs.8,000/- per month is being paid by the respondent besides Rs.3,000/- per month towards electricity charges. The minor son is studying now in 5th class in Saint Xavier's School, Sirsa. Tuition fee, auto-rickshaw

charges and other miscellaneous charges for upbringing of the minor son would come to a very substantial amount and the same cannot be catered, if the plea of the petitioner is considered.

[6]. Learned counsel for the respondent further stated that the family of the petitioner is a joint family having 25 acres of land. The husband and his family are enjoying good status in the society. The Income Tax Returns projected by the petitioner do not show any income from agricultural pursuit. When the husband-petitioner can raise the plea of two shops belonging to his sister being with the respondent-wife and also claims deduction of proportionate maintenance in lieu of amount of rental, allegedly being received by the respondent-wife, then certainly the petitioner-husband is estopped from saying that out of 25 acres, his share would come out to be only 8 acres for the purposes of assessing his individual income.

[7]. Petitioner cannot be allowed to breath hot and cold in the same breath. Once he owns the property belonging to his sister towards his own income, the joint property of the family cannot be allowed to be slipped away from the hands of the petitioner for the purposes of computing his total income for the purposes of assessing maintenance *pendente lite* payable to the respondent-wife. In any case, the amount assessed by the

trial Court cannot be said to be on higher side. Similarly, the amount towards litigation expenses is also proper and justified.

[8]. In view of aforesaid, this revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

August 02, 2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No