

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 8577 of 2015

Date of Decision: 07.04.2016

Aditya Chopra

... Petitioner(s)

Versus

Shalu Chopra and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Arnav Sood, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Mr. Amit Kumar Saini, Advocate has put in appearance on behalf of the respondents and filed his power of attorney, which is taken on record.

Learned counsel for the petitioner submitted a bank draft for sum of ₹ 15,000/-, on account of litigation expenses, today in the Court and photocopy thereof is taken on record.

Learned counsel for the respondents submitted that petitioner's counsel has placed on file an invalid bank draft and in fact has tried to play a fraud with the Court itself. On this, learned counsel

for the petitioner tendered apology and has undertaken to handover a valid bank draft for the same amount to learned counsel for the respondents within two weeks against receipt. Learned counsel for the petitioner is directed to do the needful within the stipulated time frame.

As regard to main petition, learned counsel for the petitioner submitted that vide impugned order dated 19.9.2015, petitioner was directed to make payment of ₹ 8,000/- per month i.e. ₹ 4,000/- per month to the wife and ₹ 2,000/- per month each to the minor daughters as *maintenance pendente lite* and he was also directed to pay a sum of ₹ 6,000/- as litigation expenses.

Learned counsel for the petitioner submitted that the Court below failed to appreciate that petitioner himself is earning ₹ 10,000/- per month only and out of that, he cannot make payment of ₹ 8,000/- as maintenance allowance and the said order is liable to be set aside.

Learned counsel for the respondents submitted that the Court below has rightly passed the order, thereby granting maintenance allowance at the bare minimum amount because now-a-days it is very difficult for the wife to survive with the meager amount of ₹ 4,000/-. Similarly, two school going minor children cannot be maintained with a sum of ₹ 2,000/- each. But at any rate, there is no ground to pass any order for reduction of the amount of *maintenance pendente lite* and the present petition is without any merit and the same be dismissed.

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that relationship between the parties is not disputed. Respondents are living

separately. There is nothing on the record to show that respondent wife is having any independent source of income to maintain herself and her two minor daughters. Petitioner, being husband, is under legal and moral obligation to earn and maintain his legally wedded wife and minor children. The Court below has observed that the petitioner is a proprietor of M/s Luftan industries, Focal Point, Ludhiana and also doing part time job and earning handsome amount. Keeping in view all these facts, the Court below passed the order for maintenance allowance for wife at the rate of ₹ 4,000/- per month and ₹ 2,000/- each for two school going minor daughters. There is no ground for reduction of amount because the Court below has already passed the order for the bare minimum amount.

In view of above, present petition stands dismissed being devoid of any merit.

(Shekher Dhawan)
Judge

April 7, 2016

"DK"