

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Revision No. 8879 of 2015

Date of Decision: 05.01.2016

Amarjit Singh

.....Petitioner

Versus

Sunita

.....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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. Sandeep Parkash Chahar, Advocate,
for the petitioner.

SHEKHER DHAWAN, J

Petitioner-husband has challenged the order dated 16.09.2015, passed by Additional District Judge, Narnaul, whereby interim maintenance allowance was ordered to be paid by him to his wife Sunita and two children, namely, Rashi and Rohan.

2. Learned counsel for the petitioner mainly submitted that petitioner is getting gross salary of ₹56,107/- per month and out of that he has to pay an installment of ₹17,000/- per month for house loan and an installment of ₹3,500/- per month for home appliance loan and installment of ₹5,882/- per month as personal loan from HDFC Bank and ₹13,040/- per year as insurance premium and ₹30,000/- per year as installment of Sarv

Suraksha Policy from HDFC ERGO and also to look after the aged parents.

Learned counsel for the petitioner further submitted that learned trial Court has not considered all these facts while passing order for interim maintenance allowance to the tune of ₹20,000/- in all and the said order be set aside.

3. Having considered all these facts, there is no dispute that petitioner was married to respondent-Sunita and two children, namely, Rashi and Rohan were born out of this wedlock. All of them living separately from petitioner. Both the children are students of class 5th and 7th standards and studying in Yaduwansi Public School, Narnaul. It has not come on file that respondent wife is gainfully employed in any business or getting any salary. Learned trial Judge while taking into consideration all these facts, passed order for interim maintenance allowance @ ₹7,000/- per month to each children and another sum of ₹6,000/- per month to wife. Keeping in view the status of husband, who is getting salary of ₹56,107/- and both the children being school going children and the wife who is also seeking interim maintenance allowance as per status of her husband, the amount of interim maintenance allowance cannot be said to be on higher side in any way. It is very difficult to survive with monthly maintenance allowance of ₹6,000/- for the wife and to meet the educational expenses of children of 5th and 7th standards with a meager amount of ₹7,000/- per month each.

4. As regards to plea taken by learned counsel for the petitioner that he has to make repayment of housing loan and insurance policy, these payments cannot defeat the legal rights of interim maintenance allowance to the wife and to the children. This shows that petitioner is worried about his

future and least cared about survival of his wife and children, who have no other resource except interim maintenance order, passed by the learned trial Court. There is absolutely no illegality in the order dated 16.09.2015, calling for interference, by way of present revision petition and the same stands dismissed.

January 05, 2016
naresh.k.

(SHEKHER DHAWAN)
JUDGE