

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

**Date of decision: 17.11.2016**

**1.**

**CRM-M-35383-2014**

**Gaurav Rajpal**

**.....Petitioner**

**Versus**

**Divya Rajpal and another**

**.....Respondents**

**2.**

**CRM-M-41995-2014**

**Divya Rajpal and another**

**.....Petitioners**

**Versus**

**Gaurav Rajpal**

**.....Respondent**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. P.S. Ahluwalia, Advocate,  
for the petitioner (in CRM-M-35383-2014)  
and for the respondent (in CRM-M-41995 of 2014).

Mr. Sandeep Jasuja, Advocate,  
for the respondents (in CRM-M-35383-2014)  
and for the petitioner (in CRM-M-41995 of 2014).

**Ritu Bahri, J.**

This order will dispose of CRM-M-35383-2014 and CRM-M-41995 of 2014 together as common questions of law and facts are involved in both the petition being arisen out of one and the same case.

CRM-M-35383-2014 has been filed by Gaurav Rajpal-husband for setting aside the order dated 25.01.2014 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Rewari, directing him to pay interim

maintenance of Rs.10,000/- per month (Rs.5,000/- each) to Divya Rajpal-wife and Jiya, minor daughter, and order dated 03.09.2014 (Annexure P-5) passed by the Sessions Judge, Rewari, whereby on revision, the interim maintenance has been enhanced from Rs.10,000/- per month to Rs.16,000/- per month (Rs.8,000/- each).

On the other hand CRM-M-41995 of 2014 has been filed by Divya Rajpal and her minor daughter-Jiya seeking enhancement of the interim maintenance awarded by the Courts below.

Brief facts of the case are that Divya Rajpal, wife and Jiya, daughter of Gaurav Rajpal, filed a petition under Section 125 Cr.P.C. seeking maintenance from her husband (Gaurav Rajpal). During the pendency of said petition, defence of the respondent-husband was struck off vide order dated 12.08.2013 and thereafter, vide order dated 25.01.2014 (Annexure P-2), Judicial Magistrate Ist Class, Rewari granted interim maintenance to the petitioners (wife and daughter) to the tune of Rs.5,000/- per month each from the date of filing of the petition. Feeling aggrieved of the meager maintenance, wife and daughter of Gaurav Rajpal, filed a revision petition before the Sessions Judge, Rewari seeking enhancement of interim maintenance, which was allowed vide impugned order dated 03.09.2014 (Annexure P-5) and the interim maintenance was enhanced from Rs10,000/- per month to Rs.16,000/- per month i.e. Rs.8,000/- each.

While allowing the revision, the revisional Court has taken into consideration the salary slip Gaurav Rajpal for the month of August, 2012, as per which, his pay was Rs.27,500/- per month and he was also getting House Rent Allowance amounting to Rs.11,124/-. Accordingly, his gross salary came to be Rs.38,624 and after deduction of Rs.5780/-, he was

getting net salary of Rs.32,844/- per month. The claim of respondent-husband was that he was living in a rented accommodation with his father. The revisional Court has also taken into consideration the rent agreement, as per which, he was paying Rs.13,000/- per month as rent. In view of the salary of respondent-husband, the interim maintenance was enhanced from Rs.10,000/- to Rs.16,000/- per month.

Heard, counsel for the parties.

Gaurav Rajpal-husband has filed his reply to the petition filed by his wife i.e. CRM-M-41995-2014. Along with the reply, he has placed on record his income tax return for the Assessment Years 2012-13 and 2013-14 ((Annexure R-3, collectively) to show that his gross income, during these years, was Rs.3,95,830/- and Rs.4,69,328/- per annum respectively. He has also placed on record his pay slip for the month of April, 2014 (Annexure R-4), which shows that he was getting net salary of Rs.37,335/- per month. As per rent agreement (Annexure R-5), he was paying rent to the tune of Rs.12,500/- per month.

On the other hand, Divya Rajpal-wife has filed her reply in the petition filed by her husband i.e. CRM-M-35383-2014 and placed on record document (Annexure R-1) to show that apart from salary, her husband is also getting bonus from the company.

As this Court is only to examine the issue of interim maintenance, the relevant documents placed on record by both the parties shall be looked into by the trial Court at the time of passing of final order on the application under Section 125 Cr.P.C. At this stage, it has to be seen, as to whether grant of interim maintenance to the extent of 50% of the salary is reasonable or not.

It is not in dispute that Divya-wife has done B.Com and MBA from Maharishi Dayanand University. She has done B.Ed. as well. Keeping in view that both the parties are equally qualified, payment of interim maintenance by dividing the salary of husband to the extent of 50% is on the higher side and the same requires modification.

Resultantly, the impugned order 03.09.2014 (Annexure P-5) passed by the Sessions Judge, Rewari, is modified and the interim maintenance granted to the wife and daughter of Gaurav Rajpal is being reduced to Rs.12,000/- per month (i.e. Rs.6,000/- per month each) from the date of filing of application.

With the aforesaid modification, both the petitions i.e. CRM-M-35383-2014 and CRM-M-41995 of 2014 stand disposed of.

17.11.2016  
ajp

(RITU BAHRI)  
JUDGE

Whether speaking/non-speaking: Yes/No  
Whether reportable : Yes/No