

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

Crl. Misc. No. M-39415 of 2016

Date of decision : 07.11.2016

Jugraj Singh

....Petitioner

versus

Navreet Kaur and anr.

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Dinesh Trehan, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Prayer in this petition is for modification of order dated 06.09.2016 passed by learned Additional Sessions Judge, Amritsar whereby the learned Court granted interim maintenance to the respondents from the date of application instead from the date of order without giving any reasons.

After the marriage of the parties, they resided together and out of this wedlock, one female child was born on 23.07.2010 and is in the custody of respondent No. 1. Due to temperamental differences, petitioner filed a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage, which is pending before Addl. District Judge, Amritsar. During the pendency of the petition, the respondents filed a petition under Section 125 Cr.P.C for grant of maintenance, which was dismissed in default and the restoration application was also dismissed on 22.08.2014 and against that order, respondents filed a petition before this Court, which was disposed of and the petition under Section 125 Cr.P.C restored to its original number, vide order dated 23.07.2015.

Subsequently, petitioner appeared in a petition under Section 125 Cr.P.C and filed written statement. The learned trial Court passed the interim maintenance of Rs.10,000/- per month to respondent No. 1 and Rs.5000/- to respondent No. 2 from the date of application, vide order dated 03.12.2015. The petitioner and respondents filed revision petition against the above said order. The revision petition filed by the petitioner was dismissed on 06.09.2016. but the revision petition filed by the respondents was allowed and the interim maintenance was enhanced from Rs.10,000/- to Rs.15,000/- per month and Rs.5,000/- to Rs.9,000/- per month.

The only argument raised by learned counsel for the petitioner is that the learned Court has erred in law in granting interim maintenance to the respondents from the date of application instead from the date of order.

The argument is liable to be rejected as in the present case, the gross salary of the petitioner is Rs.51,392/- and after deduction Rs.44,644/- and further the petitioner sold plot and got Rs.2 crores. Thus, The Court below has rightly granted the interim maintenance from the date of application, as the petitioner has nowhere placed any single document to show that respondent No. 1-wife was having any sufficient means or any source of income. Keeping in view the fact that the petitioner is DSP and thus, his wife also require the same status being legally wedded wife.

The petition stands dismissed.

07.11.2016
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No