

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2467 of 2015 (O&M)
Date of Decision: 25.02.2016

Bharat Bhushan

...Petitioner

Versus

Pinki Sharma and others

...Respondents

with

CRR No.2483 of 2015 (O&M)

Pinki Sharma

...Petitioner

Versus

Bharat Bhushan and others

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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? No

Present: Mr. Mohd. Sharique Khan, Advocate
for the petitioner in CRR-2467-2015 &
for the respondents in CRR-2483-2015.

Mr. Ram Bilas Gupta, Advocate
for the respondents in CRR-2467-2015 &
for the petitioner in CRR-2483-2015.

ANITA CHAUDHRY, J.

1. These are two revisions filed by the husband and
the wife against the order dated 23.04.2015, passed by the

Additional Sessions Judge, Faridabad. A complaint had been filed under the Domestic Violence Act by Pinki. A prayer for interim maintenance was made. The Magistrate allowed Rs.10,000/- per month to the wife and Rs.7,000/- per month as maintenance to the son along with Rs.10,000/- as rent for the accommodation.

2. Against that order, both the wife as well as the husband filed two appeals which were dismissed by the Additional Sessions Judge.

3. It is necessary to give the factual backdrop to appreciate the issues raised before this Court. Pinki was married to Bharat Bhushan in March, 2006. A son was born in August, 2007. A complaint under the Domestic Violence Act was filed in 2012. The wife claimed that the husband was earning Rs.4 lacs per month and claimed Rs.1 lac per month as maintenance for herself and the child. It was pleaded that the husband was a Senior Engineer in Merchant Navy and was getting a package of Rs.24 lacs annually. It was pleaded that after the termination of his package, the husband had returned and was living in his house in Faridabad and he used to go out for 6 months on a new package to a foreign country.

4. The respondent had pleaded that the petitioner was a graduate and a Fashion Designer and was working with Radhika Garments Company, Noida. It was pleaded that he was studying and had given all the examinations while staying

in U.K., where the expenditure was high and presently he was out of job and had no earnings. It was pleaded that house referred to by the petitioner was owned by his parents and uncle.

5. The submission made on behalf of the husband was that he had left Merchant Navy in November, 2013 and was not working for Merchant Navy anywhere in India or abroad. A copy of the passport was also placed on the record to show that he had not travelled abroad after November, 2013. The counsel for the petitioner had contended that there was a stay with respect to 50% of the amount and the petitioner was ready and would continue to pay Rs.13,500/- per month as he had savings and was concerned for his son who was just 8 years old. It was urged that the Court had allowed Rs.10,000/- as rent but the wife had never stayed in the rented accommodation and the address indicated in the revision filed by her is of her parents's and the petitioner should be asked to furnish an affidavit as to whether she had taken any accommodation on rent. It was urged that wife had got a FIR registered against him and he was facing numerous litigations and he was finding it difficult to find a job or go abroad. It was urged that the petitioner managed to find a job in a online trading company where his salary was Rs.15,000/- per month and he was making efforts to maintain a balance between litigation and his job. It was urged that the wife was

holding a diploma in Fashion Designing and was working before marriage. The counsel had placed on record the affidavit given by the petitioner that he had left Merchant Navy after December, 2013.

6. On the other hand the submission was that a wrong fact was being mentioned and the husband was still in Merchant Navy and considering the rise in prices, the amount awarded as interim maintenance was just.

7. The petitioner had placed on record copy of his passport but I find that there is a stamp which states that passport has been cancelled. The petitioner will have to explain that at the trial.

8. The petitioner-husband is seeking reduction in the maintenance amount allowed to the wife and child while the respondent-wife is seeking enhancement considering the rise in the prices. The husband is highly qualified. He was serving as an engineer in Merchant Navy. He states that he had left Merchant Navy in December, 2013. He has admitted to have got another job and has pleaded that he was getting Rs.15,000/- per month. It is difficult to accept that he would have joined a position at such a low salary. The petitioner had stated during the course of the submissions that he was ready and he would continue to pay Rs.13,500/- per month. It appears that he would be having a higher salary. It had been stated that he had his savings and therefore, could pay that

amount. No record was produced to show the savings. Therefore, I am not inclined to interfere. It is for the parties to lead their evidence before the Court below. There is no illegality or infirmity in the order. As regards the payment of rent, the wife will have to show that she was paying any rentals. No case is made out for enhancement either, therefore, both the revisions are dismissed.

(ANITA CHAUDHRY)
JUDGE

25.02.2016

'Sunil'