

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

**Crl. Rev. No.3641 of 2014 (O&M)  
Date of decision : 14.03.2016**

**Abhiraj Singh Randhawa**

**.....Petitioner(s)**

**Versus**

**Simrat Kaur and others**

**...Respondent(s)**

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. Harveen Kaur, Advocate  
for the petitioner.

Mr. Karamjit Verma, Advocate  
for the respondents no.1 & 2.

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**ANITA CHAUDHRY, J(ORAL)**

A complaint under the Domestic Violence Act was filed in which an application was moved for interim maintenance. The trial Court after hearing both the sides allowed Rs.3,000/- per month as maintenance to the wife and Rs.2,000/- per month to the minor daughter. A sum of Rs.5,000/- per month was allowed as rent for a suitable accommodation to be taken by them.

Aggrieved with the order both the wife as well as the husband challenged the order. The Additional Sessions Judge, vide his order dated 23.09.2014, modified the order of the trial Court and enhanced the maintenance to the wife to the tune of Rs.10,000/- per

month and that of the child to Rs.5,000/- per month considering the rising prices. No change was made in the amount allowed towards the accommodation, though it had noted that the husband had offered a suitable accommodation but the wife had refused to reside in it.

Aggrieved with the order made, the husband has filed this revision.

Upon notice, respondents no.1 & 2 have appeared.

The counsel for the petitioner has made a limited prayer that the wife had not taken any separate accommodation and they were aggrieved as the petitioner had to pay for separate accommodation. Counsel had urged that he was restricting his prayer only to that amount. It was urged that alternative accommodation was offered but the same was refused and on the last date, it had been stated on behalf of the respondent-wife that she was living with her parents.

The submission on the other hand was that separate accommodation was not taken by the wife as it was difficult for her to bring up the child but she had to contribute for the day-to-day expenses when she was living with her parents.

The husband had offered an alternative accommodation. This fact is noted in the order passed by the Appellate Court. That offer was refused. The wife has not moved into a rented accommodation. The order specifically notices the fact that the

amount was allowed for taking an accommodation on rent. Separate accommodation has not been taken. In that view of the matter, the petition is allowed and order is modified and it is held that the complainant (wife) is not entitled to the additional amount of Rs.5,000/- per month till she takes separate accommodation for herself. Nothing in this order shall be construed as an expression of the opinion on the merits of the case which the Court below would adjudicate on the basis of evidence led before it.

14.03.2016

sunil

**(ANITA CHAUDHRY)**  
**JUDGE**