

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

Crl. Revision No. 3365 of 2016 (O&M)

Date of Decision: 19.09.2016

Bikramjit Singh

.. Petitioner

Vs.

Maninderjit Kaur

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: - Mr. Yogesh Goel, Advocate
for the petitioner.**

ANITA CHAUDHRY, J.

The petitioner is impugning the order dated 11.03.2016 passed by the Judicial Magistrate Ist Class, Amritsar whereby in a petition under the Protection of Women from Domestic Violence Act, the petitioner-husband has been directed to pay a sum of Rs. 4500/- as interim maintenance to the wife from the date of order. The petitioner has also laid challenge to the judgment dated 12.07.2016 vide which the revision preferred against the order dated 11.03.2016 was dismissed.

I have heard learned counsel for the petitioner and have gone through the paper book carefully.

The main stress of learned counsel for the petitioner is that he had earlier filed applications before the police seeking return of the wife to her matrimonial home and he is still ready to mediate on this aspect with the wife.

The relationship between the parties and their separation is not in dispute. It is a matter of trial as to under what circumstances the respondent was constrained to leave the company of the petitioner. By dint

of the impugned order, only a legal duty, which the petitioner has prima facie failed to oblige, has been imposed. It cannot be said that the amount of Rs. 4500/- per month is on higher side, especially in the present scenario of high rise in the cost of living. In that view of the matter, the Courts below rightly fixed the interim maintenance in favour of the respondent. The petitioner, if wants restitution of his conjugal rights by way of mediation, he can still raise the plea before the trial Court. There is no illegality or perversity in the impugned order. The petition is without any merit and is accordingly dismissed.

Nothing contained hereinabove shall be taken as an expression of opinion on the merits of the case.

September 19, 2016
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No