

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

**Crl. Rev. No.393 of 2016 (O&M)
Date of decision : 09.09.2016**

Harpreet Kaur

.....Petitioner(s)

Versus

Daljit Singh

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

This revision has been filed by the wife who seeks modification of the order passed by the Additional Sessions Judge, Ludhiana.

Harpreet Kaur was married to Daljit Singh in 1985. They had two children. The eldest is already married. The younger son is residing with the mother. The wife filed a petition seeking maintenance in 2013. An application was also filed seeking interim maintenance. The wife claimed that the income of the husband was over two crores per annum. The husband pleaded that the wife was also working and her income was not less than Rs.50,000/- per month but he did not place any document to support his plea. The wife had placed some material including the income-tax returns of the husband, some Jamabandis and sale deeds. Considering the material, the trial Court assessed the income of the husband to be less than Rs.1 lac per month and granted Rs.20,000/- per month as maintenance to the wife from the date of application.

Aggrieved by the order, the husband filed a revision and claimed that the wife was also earning and income-tax returns had been filed since 2007 onwards and the trial Court had not referred to the income-tax return filed by him and those were not considered and the wife had not pleaded that she was unable to maintain herself and therefore, she was not entitled to any maintenance.

Considering the submissions of both the sides, the Court noted that the couple had been travelling abroad and it was also evident that the wife was earning but she was not earning as much as the husband, therefore, the order of interim maintenance was maintained. However, it modified the order of trial Court noting that the Court had not given any reason for allowing the application from the date of application.

Aggrieved by the order, the wife has filed this revision.

The counsel for the petitioner had placed reliance upon ***Prabhpreet Kaur & anr. Vs. Atamjeet Singh 2014(2) CCC 371 (P&H), Rajathi Vs. C. Ganesan in Crl. Appeal No.687 of 1999, D.O.D. 22.7.1999 (S.C.) and Santosh Vs. Naresh Pal in Crl. Appeal No.1289 of 1998, D.O.D. 2.3.1998 (S.C.)*** and urges that interim maintenance can be granted from the date of application and there was not legality and the Revisional Court had wrongly modified the order and it was not justified in upsetting the order of the Court below.

A reading of the orders passed by the Courts below show that the wife had not pleaded that she was unable to maintain herself. The Revisional Court had also noted that the wife had independent income and those were not disclosed by her. Para no.9 of the petition (Annexure P-4) shows that the language used is guarded. It will be a matter of evidence

when both the parties have led evidence then the Court will determine as to whether the maintenance was payable from the date of application or date of order. I find no infirmity or illegality in the order passed by the Revisional Court.

The petition is dismissed in limine.

09.09.2016

Sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No