

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

**CRR(F) No. 118 of 2015 (O&M)  
Date of decision : 20.01.2016**

**Kiran Arora**

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

**Versus**

**Manoj Kumar Arora**

**...Respondent(s)**

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

Present: Petitioner in person with  
Mr. Brijender Kaushik, Advocate.

Mr. Akashdeep Singh, Advocate  
for the respondent-husband.

Ms. Vibha Dhiman, AAG, Haryana.

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**ANITA CHAUDHRY, J.**

The petitioner seeks enhancement of the interim maintenance granted to her in the proceedings filed under Section 125 Cr.P.C. by the District Judge (Family Court), Ambala.

The facts as they appear from the record should first be delineated. The parties were married on 11.02.1997 at Ambala. After 3-4 days of stay at Bhiwani, they moved to Mumbai since the husband was working with M/s. Jindal Iron & Steel Company Ltd. The petitioner also joined as a Marketing Research Officer. The wife was serving in the Textile Industry namely Arihant Industries at Ludhiana (Punjab) from 1993 to 1995 and then in Nahar Industries, Lalru (Punjab) as a Research and Development Officer, till 1996. The petitioner claimed that she had some health issues and was operated in Escorts, Delhi in

November/December, 1997. The husband left the job at Thane, Mumbai (Maharashtra) and joined Jindal Stainless Ltd. at Hisar and then at Bhiwani. Differences arose between the parties some time in 2010. Before that, the petitioner had completed her MBA Course in 2009. The petition under Section 125 Cr.P.C. was filed in July, 2014. The petitioner claimed Rs.1 lac per month as maintenance for herself besides litigation expenses. She had admitted that the children born out of the wedlock were living with the respondent-husband. It was pleaded that the husband had no other responsibility except the petitioner and the children. Petitioner claimed that the husband was getting annual salary of Rs.41 lacs from April, 2014 onwards.

The husband pleaded that he had taken a number of LIC policies in the name of the petitioner-wife which were lying with her and he had been paying the installments. Details of the policy numbers were given. It was pleaded that the petitioner herself had left the matrimonial home taking away all the articles. It was pleaded that the petitioner had concealed material facts. It was pleaded that the petitioner owned several properties and she was working and had handsome income. The details of 10 account numbers were given in para no.4 of the preliminary objection. It was pleaded that the petitioner owned a double story shop in Sector-9 at Hisar and a plot in Sector-4 at Karnal. It was pleaded that these properties were in her name though he had paid the sale consideration. The present value of the properties was stated to be over Rs.1 crore. It was pleaded that the children born out of the wedlock were living with the respondent-husband and the son was studying in DAV School at Gurgaon and was taking tuitions from Aakash Institute & Omega Institute and the daughter was studying in Maurya International

Institute and was taking tuitions and dance classes and he had to spend over Rs.50,000/- per month for their education and maintenance. It was pleaded that he was working in a private organization and his monthly income was touching Rs.1.5 lac. It was pleaded that an amount of over Rs.16,000/- per month was being invested to ensure the better future of the children. It was pleaded that the children were in the age group of 12 – 15 years. It was also pleaded that the petitioner was B.Tech, BBA & MBA and she had fought cases against the companies like Skumar.com and Bhiwani Textile Mills (A company of Aditya Birla Group). It was pleaded that he was still paying the premium for the policies taken by the petitioner and her mother. It was pleaded that the wife left the matrimonial home leaving the minor children alone and wanted to dictate terms. It was pleaded that the petitioner had not disclosed the income from her vocations.

The trial Court after hearing both the sides granted interim maintenance of Rs.8,000/- per month from the date of filing of the application. Para nos.3 & 4 of the order reads as under:-

*"3. Evidence with regard to exact income proof of respondent, as alleged, is yet to come. However, as per own admission of the respondent, he is getting salary of about Rs.1,50,000/- per month but he is also looking after his two minor children who have been left out by the petitioner without any rhyme and reason. The respondent has failed to prove, as this juncture, income of the petitioner. Therefore, by virtue of benevolent provisions of Section 125 of Cr.P.C., the respondent is bound to maintain the petitioner being his legally wedded wife.*

*4. Hence, taking into consideration the hike in*

*prices of household articles, social status of the parties, the income of the respondent and the need of the petitioner, as also other responsibilities of the respondent, I am of the view that it would be just and proper to fix ad-interim maintenance in favour of the petitioner at the rate of Rs.8,000/- per month from the date of filing of this application. It is ordered accordingly. Hence, this application stands disposed of."*

Aggrieved with the interim maintenance, the wife has filed this revision. It has been pleaded that the Family Court at Ambala did not consider the material placed on record and sufficient amount was not given to her and she was entitled to at least Rs.50,000/- per month.

The respondent filed his reply giving details of the employment of the wife and the Companies she had worked before marriage and details of the properties standing in the name of the wife. He had also placed on record some documents downloaded from the Facebook to show that the wife had been travelling to different stations in India from January, 2015 onwards. The details of the amount paid for the tuition and half yearly LIC policies and housing finance loan were also given.

I have heard both the sides at length.

The counsel for the petitioner has verified from the petitioner (who was present in the Court) that the pictures on the Facebook were her and these had been uploaded by her.

It is not in dispute that the parties were married in 1997 and they have two children. Both the children are studying in good schools at Gurgaon. The wife is highly educated. She had admitted

that before marriage she was working with Arihant Industries. The names of the other Companies have been disclosed in the reply filed by the respondent. The wife is highly qualified. It is not in dispute that there are two properties in the name of the wife, though they have been purchased by the husband. The husband has admitted that he had an income of Rs.1.5 lacs per month. He has stated that he has to spend over Rs.50,000/- per month for the education and maintenance of the child. He is also paying the premium for the life insurance policies and saving some monthly amount for the children's future.

The wife has not disclosed that she was working or had income of her own. It has not been explained how with no income she is travelling to various parts of the country. It has not been explained as to whether the visits were for pleasure or for official work.

The husband has maintained a driver and a car for the children. He has pleaded that he is paying over Rs.45,000/- per month as installments. Considering the material which has been placed on record, I am of the view that the amount awarded to the petitioner-wife as interim maintenance was appropriate. The petitioner will have to lead evidence and furnish explanation with respect to her visits at the trial. No ground for interference is made out.

The petition is dismissed.

20.01.2016  
sunil

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