

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

CRR(F)-368-2016 (O&M)

Date of decision: 27.10.2016

Vikram Narang

...Petitioner

Versus

Rakhi

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Talwinder Singh, Advocate, for
Mr. Vishnu Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

The instant petition has been preferred to challenge the order dated 30.08.2016, passed by learned District Judge, Family Court, Rohtak directing the petitioner to pay maintenance @ Rs. 20,000/- per month along with litigation expenses of Rs. 5,500/- in a petition filed under Section 125 Cr.P.C.

In brief, facts are that the respondent and petitioner herein were married and on account of various differences, the respondent was thrown out of the matrimonial home. The respondent-wife moved an application under Section 125 Cr.P.C. for grant of interim maintenance in which it was stated that she had no source of income and was unable to maintain herself whereas her husband, the petitioner herein, is a man of means and was working as a Group Manager in HCL Technologies Ltd. and earning about Rs. 1,00,000/- per month.

Per contra, it was argued before the trial Court that the respondent wife was employed as a Teacher in Scholar's Rosary Public School at Rohtak and getting salary of Rs. 45,000/- per month, apart from

taking tuition and cooking classes and earning Rs. 25,000/- per month and, therefore, would not be entitled to any interim maintenance.

Learned trial Court after appreciating the evidence on record, came to a conclusion that the respondent wife would be entitled to maintenance @ Rs. 20,000/- per month from the date of filing of application along with litigation expenses of Rs. 5,500/-. Learned trial Court took note of the fact that the petitioner herein was earning a sum of Rs. 83,500/- per month by relying upon the salary statement as issued by HCL Technologies Ltd. Learned trial Court also took note of certain photo copies filed by the petitioner to show that she was working as a Teacher, but concluded that these photocopies did not show that she was currently employed.

Assailing the order by which interim maintenance has been granted, counsel for the petitioner argues that the petitioner is to look after his young daughter who is highly diabetic and insulin dependent and also has to pay monthly installments towards a loan taken for house, the interim maintenance granted @ Rs. 20,000/- per moth is on the higher side.

I have heard learned counsel for the petitioner and have also perused the Annexures as appended with the petition.

A perusal of the Annexure which is the pay slips of the petitioner which will show that the petitioner is working with HCL Technologies Ltd. as a Group Manager, his total salary as shown for the month of April 2016 is Rs. 72,872/- but in the month of June 2016 his gross earnings are shown as Rs. 1,15,184/- with net pay of Rs. 99,348/-. The pay of the petitioner is approximately is in the range of Rs. 90,000/- per month.

The argument raised that the petitioner is depositing installment of Rs.

35,000/- per month towards a loan taken for purchase of residential accommodation and as such he is not in a position to give the interim maintenance, is not sustainable in view of the fact that the petitioner is in the process of acquiring an asset for himself which cannot become a ground for depriving the respondent-wife of maintenance. In any case, the learned trial Court has only assessed the interim maintenance by taking into account the salary of the petitioner which is more than Rs. 90,000/- per month as per sum of the pay slips in case.

In view of the fact that there is no infirmity with the impugned order this Court is not inclined to interfere, hence, the present petition is dismissed.

27.10.2016

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No.