

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 2750 of 2017

DATE OF DECISION:20.04.2017

Harwinder Singh

.....Petitioner

Versus

Pooja

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vikram Jeet Singh, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside of impugned order dated 23.2.2017 (Annexure P-5) passed by Civil Judge (Senior Division), Kurukshetra, whereby, the petitioner-husband has been directed to pay an amount of ₹3000/- per month as interim maintenance to respondent-wife.

The petitioner-husband has challenged the impugned order only on the ground that the amount of ₹3000/- to be paid as an interim maintenance is on the excessive side, whereas, the petitioner has to maintain not only his two children but old aged mother also and his income is not more than ₹7000/- per month. Learned counsel further submits that the respondent-wife has also received alimony from the second marriage and she is not entitled for any maintenance.

Heard the arguments advanced by learned counsel for the petitioner and have also gone through the impugned order dated 23.2.2017.

The claim petition filed by the respondent-wife was allowed by mentioning that the petitioner-husband is not only running a motorcycle mechanic workshop with his maternal uncle-Ranjit Singh, whereby, he is earning handsome amount but is also having some other properties. It has also been mentioned that petitioner-husband is an able bodied person and it is his moral, social and legal duty to maintain his wife. The fact regarding earning of petitioner-husband is a matter of evidence and nothing can be said at this stage as it is a case of interim maintenance only. In reply to the application for interim maintenance filed by the respondent-wife, the petitioner has denied with regard to his income but while arguing this petition, it has been stated that his salary is ₹7000/- per month, which shows not only concealment but contradiction in the stand taken by the petitioner-husband before trial Court and before this Court.

Keeping in view the facts made in the impugned order, the interim maintenance of ₹3000/- per month cannot be said to be on the higher side. Moreover, as on today, the respondent-wife has not remarried after as there is divorce from subsequent husband as well

Accordingly, no interference is required with the impugned order and the petition being devoid of any merit is hereby dismissed.

April 20, 2017
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes