

Civil Revision No.3405 of 2017

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

Sr. No.119

**Civil Revision No.3405 of 2017
DECIDED ON: May 11, 2017**

SANDEEP

..PETITIONER

VERSUS

SHARMILA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sat Narain Yadav, Advocate,
for the petitioner.

JASPAL SINGH, J.

The instant revision petition has been directed against the order dated May 23, 2016 passed by Judicial Magistrate Ist Class, Sonapat, whereby a request made by the respondent/JD that an amount incurred by him amounting to Rs.60,000/- for the medical treatment of his wife- Sharmila be adjusted against the maintenance outstanding against the respondent in pursuance of the order dated March 19, 2014.

2. Challenging the impugned order, it has been submitted by

learned counsel for the petitioner that since the respondent-wife was suffering from health problem, petitioner took with him along and got her treated during the period from March 13, 2015 till December 13, 2015. During that period he incurred an expenditure amounting to Rs.60,000/- for her medical treatment. The respondent-wife has filed the execution petition seeking maintenance for the aforesaid period. Since, the respondent/JD has incurred a sum of Rs.60,00/- for her treatment for providing her the necessities of life during the aforesaid period, the said amount deserves to be deducted from the amount of maintenance stated to be outstanding against the petitioner/JD. But the learned trial court has illegally declined to adjust the same. Thus, the impugned order is not sustainable in the eyes of law and is liable to be set aside. Consequently, the request of respondent/JD deserves to be accepted.

3. This court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner/JD but do not find any legal and factual substance therein.

4. It is the duty of the husband to look after and provide all necessities of life to his wife, if she has suffered from any ailment physical or mental, the petitioner/JD being the husband is morally as well as legally bound to incur the expenses for getting her medical treated. So far as, the contention of the learned counsel for the petitioner/JD that respondent/wife was taken to the Army Headquarter by the petitioner is concerned, there is no such pleading in the impugned order put forth by the petitioner/JD and it has simply been alleged that he incurred a sum of Rs.60,000/- for the treatment of his wife, who was having a health problem. Otherwise also, if

some amount has been incurred for the medical treatment of his wife by the petitioner/JD that is not adjustable in the amount which has been awarded by maintenance pendente lite. The main petition is still pending and is listed for the payment of the balance amount as well as the evidence. This Court does not find any illegality or infirmity in the impugned order dated May 23, 2016. As such, instant petition being devoid of merits is dismissed.

May 11, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No