

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.3498 of 2017
Date of decision:15.5.2017**

Ravi Bomra

...Petitioner

Versus

Geeta

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Jagjit Gill, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 7.2.2017 passed by the learned Matrimonial Court, whereby Rs.5,000/- was granted maintenance *pendente lite* under Section 24 of the Hindu Marriage Act, 1955, to the wife and her two daughters, husband has approached this Court by way of present revision petition filed under Article 227 of the Constitution of India, for setting aside the impugned order.

A bare perusal of the impugned order dated 7.2.2017 passed by the learned Matrimonial Court would show that it is a reasoned order and there is hardly any scope to interfere at the hands of this Court. Nowadays, it is a common knowledge that the moment responsibility of the husband comes to maintain wife and children during pendency of litigation, he becomes a poor husband and he claims himself not having any regular source of income. On the other hand, as recorded by the learned

Matrimonial Court in para 5 of the impugned order at page 14 of the paper-book, petitioner is affording to consume liquor on daily basis.

Neither he seems to be concerned about his wife and her two daughters, out of whom one is mentally retarded nor he is ready to maintain them, but at the same time he can still afford to consume liquor on daily basis. In such a situation, petitioner cannot be permitted to run away from his responsibility, social as well as moral, besides it being his legal obligation. Having said that, this Court feels no hesitation to conclude that the learned Matrimonial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

Even the argument raised by the learned counsel for the petitioner-husband that two daughters, who are living with the respondent-wife are not from this wedlock, is to be accepted for the sake of argument, yet the amount of Rs.5,000/- per month for the wife towards maintenance pendente lite alone would not be on higher side. It is so said because once the petitioner performed the marriage knowing well about her two minor daughters from earlier marriage, as alleged, and accepted all three of them together, then how he can be permitted to disown them turning a blind eye to avoid his responsibility to maintain them. Another argument raised by the learned counsel for the petitioner that respondent-wife is earning Rs.10,000/- per month is also found wholly misplaced for the reason that there is not even prima facie proof placed on record to support this argument.

Further, respondent-wife is maintaining two daughters, out of whom one is mentally retarded. The third argument raised by the learned counsel for the petitioner-husband that respondent-wife is living in a house

owned by the petitioner and maintaining a separate kitchen has also not cut the ice with this Court for the reason that petitioner-husband is legally bound to provide residential accommodation to the wife.

Rs.5,000/- per month for three persons is not at all on higher side. It would be just a bare minimum amount, which would be required for their sustenance. Any reduction in this amount of Rs.5,000/- per month, which is already on lower side, would amount to play a cruel joke with the respondent-wife and children. In fact, the amount of Rs.5,000/- per month would not at all be sufficient for three persons in these days of sky rocketing prices and it would be certainly the respondent-wife who would be doing some odd job to support her daughters for their day to day needs. Under these facts and circumstances of the case, it can be safely concluded that the learned Matrimonial Court committed no error of law, while passing the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been found based on true facts of the case and it has also been passed, strictly in accordance with law. The impugned order is supported by sound reasons, because of which no fault can be found with it and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly

misconceived, bereft of merit and without any substance, thus, it must fail.

No case for interference has been made out.

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

15.5.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No