

In the High Court of Punjab and Haryana at Chandigarh

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**CR No.4289 of 2015 (O&M)
Date of decision: 31.7.2017**

SANDEEP DEORA

.....petitioner

Versus

SWARN RANI @ PARUL

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Bhavyadeep Walia, Advocate,
for the petitioner.

Respondent in person.

Raj Mohan Singh, J.(oral)

Petitioner has assailed the order dated 7.1.2015 passed by the District Judge, Panchkula, whereby, an amount of ₹ 30,000/- per month was granted towards maintenance and an amount of ₹ 5,000/- was granted towards litigation expenses.

Learned counsel for the petitioner, while referring to pay slip of March, 2015 of the petitioner, contended that gross income of the petitioner was ₹ 91,747/- and after necessary deductions, the carry home salary was only ₹ 61,309/-.

On the other hand, respondent (who is present in person) referred to the order dated 15.3.2017, passed by the Sessions Judge, Panchkula, dismissing the revision petition of the petitioner in the proceedings under Section 125 Cr.P.C. The factum of gross salary to the tune of ₹ 1,02,376/- was noticed with reference to salary slip for the month of October, 2016.

The deductions are the beneficial deductions in favour of the petitioner himself and the same cannot be taken to be the ground for declining maintenance in favour of the respondent.

In the proceedings under Section 125 Cr.P.C., maintenance to the tune of ₹ 31,000/- per month has been granted by the competent court. Respondent has a right to live as per status of her husband. However, grant of maintenance should not impede the reconciliatory mechanism likely to be evolved with the passage of time.

In my considered opinion, the grant of maintenance to the respondent @ ₹ 30,000/- per month along with ₹ 5,000/- towards litigation expenses cannot be held to be on the higher side. However, the petitioner would be at liberty to seek adjustment in terms of maintenance granted in both the proceedings i.e. under Section 125 Cr.P.C. and under Section 24 of the Hindu Marriage Act.

Accordingly, the present petition is dismissed.

(RAJ MOHAN SINGH)
JUDGE

July 31, 2017

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Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No