IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.4635 of 2016 (O&M)
Date of Order: 18.08.2017

Tarwinder Singh Grover

..Petitioner

Versus

Harwinder Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hardeep Singh, Advocate,
for the petitioner.

Mr. Rakesh Gupta, Advocate,
for the respondent.

ANIL KSHETARPAL, J.

Petitioner-Husband has filed this revision petition against order dated 23.03.2016, dismissing the petition for dissolution of marriage filed under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act'), as the husband failed to pay maintenance pendente lite.

During the pendency of the present petition, petitioner-husband also filed an application for amendment of the civil revision petition, so as to lay challenge to the order dated 18.10.2014, passed by the learned Court directing the husband-petitioner to pay ad-interim maintenance pendente lite @ Rs.20,000/- per month.

Civil Misc. No.15506-CII of 2016 is allowed and petitioner is permitted to lay challenge to the order dated 18.10.2014.

Wife-respondent has filed an application under Section 24 of the Act for grant of maintenance pendente lite @ Rs.1 lac per month. She also prayed for grant of litigation expenses amounting to Rs.2 lacs. The assertion made in the application with regard to the income of the husband are as under:-

> "*i) House No.2724/4, Bagichi Het Ram, Sheran Wala Gata Patiala. This house is on rent and respondent is getting Rs.5000/- per month as rent.*
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> *ii) Grover sons chemist shop wholesale and retail situated at Sheran Wala Gata, Patiala. This business is being run by the respondent wherein he is supplying wholesale medicines to various hospitals including Rajindra Hospital Patiala, Amar Hospital Patiala, Sadbhwna Hospital Patiala etc. Since the said firm owned exclusively by the respondent is dealing with life saving drugs and holding distributorship of the entire North lone. The monthly income from this business is not less than Rs.10 Lac after meeting with all the expenses. Even respondent is filing income tax returns to this effect.*
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> *iii) Gian Chest Hospital, Sheran Wala Gate, Patiala. This hospital is being run in the property inherited by the respondent and this hospital is also being run and looked after by the respondent. He is also fetching huge income from the said hospital which now stand reflected in the income tax returns of the respondent.*
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> *iv) Appollo Public |School, Urban Estate Patiala. It is a residential school wherein there is a provision of boys and girls hostels separately and monthly income from this school is not less than Rs.10 lac per month.*

v) He is also involved in various real estate deals and also minting a lot of money from the property deals.

vi) That so much so this school has now further been extended by opening 2 new branches i.e. one at Ghanaur in July 2013 and second at Devigarh which is recently opened on 20.9.2013.

vii) That the respondent is also maintaining the following vehicles

a) Fortuner Car bearing registration No.PB-11BF 5050 (White colour)

b) Fortuner Car bearing registration No.PB-11-AZ 2313 (Blue colour)

c) Cruze car bearing registration No.PB 11 AR 3003 (Black colour)

d) Verna car bearing registration No.PB 11 6006 (Blue Car) 6

e) New Innova is bought on 9th August 2013

f) 15 School Buses and 5 Vans) In the said school there are about 250 employees, teachers, staff etc. who are running the said school."

Wife had further disclosed that she is employed as Research Officer in Language Department, Government of Punjab.

The petitioner-husband filed reply, in which he claimed that the wife is living on the ground floor of Gian Niwas, Behind Malwa Cinema, Patiala.

In reply to the assertion made by the wife with respect to the income of the husband, the respondent asserted as under:-

> "*(i) In reply to the sub para No.(i) of para No.4 of the petition, it is denied that the respondent is getting Rs.5000/- p.m. As rent from the, house No.2724/4, rather respondent is only getting Rs.3000/- per month. A false information has been supplied by petitioner along with an affidavit as such.*
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> *(ii) In reply to the sub para No.(ii) of para No.4 of the petition, it is denied that the respondent is supplying wholesale medicines to various hospital, including Rajindra Hospital, Amar Hospital, Sadbhawna Hospital, Patiala etc. or that monthly income from this business is not less than Rs.10 lac after meeting with all the expenses. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her. It is pertinent to mention here that the respondent is filing income tax returns of the above said shop and photocopy of the same is enclosed herewith and the net income of the said shop is Rs.1,69,000/- only per year.*
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> *(iii) In reply to the sub para No.(iii) of para No.4 of the petition, it is denied that Gian Chest Hospital, Shera Wala Gate, Patiala, is inherited by the respondent or that this hospital is also run and looked after by the respondent or that the respondent is fetching huge income from this Hospital. It is denied that it stand*

reflected in the income tax return of the respondent. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her. It is pertinent to mention here that this hospital is being run by the real son of the parties to this case i.e. Dr. Charanpreet Singh Grover. Photocopy of the letter head is enclosed herewith and moreover Dr. Charanpreet Singh Grover is also filing the income Tax return of this hospital and photocopy of the same is enclosed herewith.

(iv) Sub para No.(iv) of para no.4 of the petition is wrong and specifically denied. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her. It is pertinent to mention here that this school has been run by a registered charitable society and wrong income has been cited in the present para, rather income of the present school is Rs.3,65, 360/- per year and photocopy of registration of society with memorandum and ITR are enclosed herewith for your kind reference.

(v) Sub para No.(v) of para No.4 of the petition is wrong and specifically denied. A false information has been supplied by the petitioner along with along with an affidavit as such, a criminal proceedings may kindly be lodged against her. It is denied that the respondent is

involved in various Real Estate Deal and minting money from the property deals. Vague facts have been mentioned herein. No specification of any property has ever been given or supplied before this Hon court.

(vi) Subpara No.(vi) of para No.4 of the petition is wrong and specifically denied. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her. These particulars does not pertains to the present respondent and same was run by different persons. Photocopy of partnership deeds are enclosed herewith.

(vii) Sub para No.(vii) of para no.4 of the petition is wrong and specifically denied. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her. The reply of this para is as under:-

(a) Para (a) is wrong and denied. Fortuner Car bearing registration No.PB11-BF-5050 belongs to Jasmine Grover wife of Dr. Charanpreet Singh Grover. Photocopy of the RC is enclosed herewith. A false information has been supplied by the petitioner along with an affidavit as such a criminal proceedings may kindly be lodged against her.

(b) Para (b) is wrong and denied. Fortuner Car bearing registration No.PB-11-AZ-2313 belongs to Apollo

Society of Education. Photocopy of the RC is enclosed herewith. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her.

(c) Para (c) is wrong and denied. Cruze Car bearing registration No.PB-11-AB-3003 belongs to Dr. Charanpreet Singh Grover. Photocopy of the RC is enclosed herewith. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her.

(d) Para (d) is wrong and denied. Verna Car bearing Registration No.PB-11-6006 belongs to Society. Photocopy of the RC is enclosed herewith. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her.

(e) Para (e) is wrong and denied. Innova Car belongs to society. Photocopy of the RC is enclosed herewith. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her.

(f) Para (f) is wrong and denied. 6 school buses instead of 15 school buses wrongly mentioned by petitioner belongs to society. Photocopies of the RCs are enclosed herewith. School has not maintaining any van. False information of 5 vans has been supplied and mentioned

> *herein. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her.*
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> *(g) Para (g) is wrong and denied. A false information has been supplied by the petitioner along with an affidavit as such, a criminal proceedings may kindly be lodged against her."*

After considering the facts available on the file, the learned District Judge, passed an order *prima-facie* finding that the husband is leading a luxurious life and is a rich businessman. Therefore, the Court fixed the maintenance pendente lite @ Rs.20,000/- per month and also directed the husband to pay one time payment of Rs.15,000/- as litigation expenses.

Husband did not make the payment, forcing the Court to pass an order, dismissing the petition under Section 13 of the Act, filed by the respondent-wife.

I have heard counsel for the parties at length and with their able assistance gone through the judgment.

It is not in dispute that the wife has now retired and she is drawing pension to the tune of Rs.21,000/- per month approximately.

This case has a exchequers history.

The marriage between the parties was solemnized on 24.09.1974. The couple was blessed with three children i.e. two sons and one daughter. Eldest son namely, Amrinder Singh has unfortunately died, Charanpreet Singh, the second son is a practicing doctor, stated to be living separately. Daughter Jaslinka Kaur, is stated to be slow child, although, she is about 23 years of age.

Harwinder Kaur-wife also filed a petition under Section 13 of the Act. In that petition, an application for grant of maintenance pendente lite was filed. The Court after appreciating the facts available on the record, fixed the maintenance pendente lite @ Rs.10,000/- per month. The aforesaid order was challenged in the High Court. Once the order was set aside and case was remitted back, fresh order was passed dismissing the application for maintenance.

However, as noticed above, thereafter, husband filed a petition under Section 13 of the Act, on 05.10.2013.

Learned counsel for the petitioner has submitted that the Courts has fixed the maintenance pendente lite @ Rs.20,000/- per month after wrongly recording that two mentally retarded children are living with the wife, whereas in fact one child , namely, Amrinder Singh died in the year 2007 and the daughter is living with the husband-petitioner.

No doubt, there is some substance in the argument of learned counsel for the petitioner. The Court has found that the petitioner-husband is a rich businessman. As would be clear from the application filed by the wife, husband-petitioner is in the wholesale and retail business of pharmaceuticals and drugs, he is supplying wholesale medicines to various hospitals, he is also running three schools, he is also running a hospital and the list of vehicles being used prove this fact. There is no error in the order passed by the Court.

On the other hand, the respondent-wife has admittedly retired and is drawing a pension of Rs.21,000/- per month. In view of the aforesaid, the maintenance pendente lite as assessed by the Court does not appear to be abnormal.

Since husband has failed to pay the maintenance pendente lite, therefore, the Court was justified in dismissing the petition itself, vide order dated 23.03.2016. The learned Court while passing the aforesaid order has relied upon some judgments of the Court permitting the trial Court to strike off the defence if the husband is respondent in the divorce petition and dismiss the petition if the husband is petitioner.

In view of the discussion made above, I do not find any ground to interfere with the orders passed by the learned District Judge, Patiala. The revision petition is ordered to be dismissed.

All the misc. applications are disposed of in view of the main judgment.

August 18, 2017 **(ANIL KSHETARPAL)**
nt **JUDGE**

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