

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

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Civil Revision No. 4839 of 2017(O&M)
Date of decision: 27.07.2017

Kanwaljit Singh

..... Petitioner

Versus

Smt. Devinder Kaur

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Prateek Sodhi, Advocate
for the petitioner

-.-

Rekha Mittal, J. (Oral)

The present petition directs challenge against order dated 18.05.2017 (Annexure P3) passed by the Additional District Judge, Amritsar whereby application under Section 24 of the Hindu Marriage Act, 1955 (in short, HMA) filed by the respondent-wife in proceedings under Section 13 HMA initiated by the petitioner has been allowed and the respondent has been awarded maintenance *pendente lite* @ Rs.7500/- per month.

Counsel for the petitioner would urge that maintenance assessed by the Court is on higher side and needs to be reduced. To substantiate his contention, he has two fold submissions to make. It is argued that carry home salary of the petitioner is Rs.19,446.00, therefore, amount assessed by the Court is more than 1/3rd of carry home salary of the petitioner. Another submission made by counsel is that the petitioner is working in the Army and he has to incur expenses on his travel to met his family. In addition, he has the liability to meet expenses on his parents.

I have heard counsel for the petitioner and perused the paper book particularly the order impugned.

The petitioner has filed the petition seeking a decree of divorce from the respondent-wife. There is nothing on record suggestive of the fact that the respondent has any source of income to maintain herself. The petitioner is admittedly working in the Army and is drawing gross salary of Rs.27,750.00. Perusal of salary certificate (annexure P4) would make it evident that none of deductions from his salary are statutory in nature and the amount deducted would be available at the credit of petitioner. Under the circumstances, the petitioner cannot gain any advantage of the deductions in order to find fault in assessment of maintenance by the Court.

There is nothing on record suggestive of the fact that parents of the petitioner are dependent on him. As per the settled position in law, wife is entitled to enjoy the same amenities of life as she would have, had she been residing with her husband.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated hereinbefore shall be construed as an expression of opinion on merits of the controversy.

(Rekha Mittal)
Judge

27.07.2017
mohan bimbira

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