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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5325 of 2016

Date of Decision : 28.09.2017

PARDEEP KUMAR

....PETITIONER

VERSUS

VEENA RANI

...RESPONDENT

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Kamlesh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

None for the respondent.

RAMESHWAR SINGH MALIK, JUDGE (ORAL)

Petitioner-husband is in revision petition under Article 227 of the Constitution of India, against the order dated 08.12.2015 (Annexure P-4), passed by the learned Family Court, whereby an application moved by the respondent-wife, under Section 24 of the Hindu Marriage Act, 1955 ('the Act' in short) was allowed, granting an amount of Rs.4,000/- per month as maintenance *pendente lite*, during pendency of divorce petition, filed by the petitioner-husband.

Notice of motion was issued. However, nobody has come present on behalf of the respondent despite service.

Heard learned counsel for the petitioner.

Petitioner-husband has been found working as a *goldsmith*.

As per the allegation of the respondent-wife, he was working as

goldsmith with the firm known as Goyal Jewellers, Sarafa Bazar, Karnal, and was earning an amount of Rs.1,00,000/- per month. However, the respondent-wife could not bring on record any documentary evidence in this regard. Similarly, petitioner-husband could not bring on record any material which may even remotely suggest that the respondent-wife was financially self dependent and was able to maintain herself. Analyzing the fact situation obtaining on record and striking a balance between the parties, the learned District Judge rightly arrived at a judicious conclusion to allow the application of the respondent-wife filed under Section 24 of the Act, granting her an amount of Rs.4,000/- per month as maintenance *pendente lite*, while passing the impugned order. In this view of the matter, it can be safely concluded that the learned Court below, committed no error of law, while passing of the impugned order and the same deserves to be upheld.

Moral responsibility as well as legal obligation of the petitioner-husband to maintain his wife has gone undisputed on the record. Once the respondent-wife has not been found having any source of livelihood, she was rightly found entitled by the learned Court below to receive maintenance from her husband-petitioner herein. So far as the monthly amount of maintenance, i.e. Rs.4,000/- per month, is concerned, it cannot be said to be on higher side by any stretch of the imagination. In these days of sky rocketing prices, no one, including the respondent-wife, can be expected to live with any amount less than Rs.4,000/- per month. This much amount would be required for the respondent-wife for her bare subsistence. Under these undisputed circumstances of the case, no fault

can be found with the impugned order passed by the learned District Judge and the same deserves to be upheld for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the 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. In fact, the impugned order has been found duly supported by sound reasons 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 present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

September 28, 2017

rajneesh

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