

CR No. 5697 of 2015 (O&M)

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

CR No. 5697 of 2015 (O&M)

Date of decision: 17.3.2017

Gurdial Singh

...Petitioner

Versus

Surinder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Bhrigu Dutt Sharma, Advocate
for the petitioner.

Mr. Rajiv Joshi, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition is directed against the impugned order dated 9.7.2015 (Annexure P-6) passed by the learned matrimonial court, allowing the application of the respondent-wife under Section 24 of the Hindu Marriage Act during the pendency of divorce petition, filed by the petitioner-husband, granting an amount of ₹5,000/- per month as interim maintenance to the wife and an amount of ₹7,000/- as litigation expenses.

Notice of motion was issued.

Heard learned counsel for the parties.

It is a matter of record that petitioner-husband is drawing monthly pension of about ₹10,000/-. It is also a matter of record that

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respondent-wife is not having any regular source of income. She is dependent on the amount of maintenance only. In these days of sky rocketing prices, an amount of ₹5,000/- per month has been found to be very reasonable amount, which could not be said to be on higher side under any circumstances. Having said that, this Court feels no hesitation to conclude that the learned Additional District Judge committed no error of law, while passing the impugned order and the same deserves to be upheld.

A bare reading of the impugned order would show that learned court below considered each and every relevant aspect of the matter before passing the impugned order. The impugned order is only an interim order. Divorce petition between the parties is still pending consideration. In fact, present one is a wholly unwarranted litigation, because both the parties to the litigation are senior citizens. Since the impugned order has been found based on sound reasons, it cannot be said that learned matrimonial court has exceeded its jurisdiction, 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 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 such a situation, it can be safely concluded that the learned court below committed no error of law, while passing the impugned order 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

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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.

17.3.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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