

CR No. 5408 of 2017 (O&M)

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

CR No. 5408 of 2017 (O&M)

Date of decision: 17.8.2017

Sukhdarshan Singh

...Petitioner

Versus

Paramjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Ramandeep Kaur, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against order dated 22.5.2017 (Annexure P-1) passed by the learned matrimonial court, whereby application of respondent-wife under Section 24 of the Hindu Marriage Act, 1955 ('the Act' for short), was allowed, granting her an amount of ₹7,000/- per month as maintenance, husband-petitioner has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

It is a matter of record that petitioner-husband has filed the divorce petition which is pending consideration before the learned matrimonial court. During pendency of the said divorce petition, respondent-wife has moved application under Section 24 of the Act, which was allowed by the learned matrimonial court by passing the impugned order. An amount of ₹7,000/- has been awarded to the wife as interim

maintenance.

It is also pertinent to note here that the learned matrimonial court has rightly observed that in case respondent-wife is granted maintenance in any other litigation like Section 125 Cr.P.C. proceedings, said amount shall be duly adjusted. In this view of the matter, it can be safely concluded that the learned matrimonial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

In these days of sky rocketing prices, respondent-wife cannot be expected to sustain herself by any amount less than ₹7,000/-, which cannot be said to be on higher side by any stretch of imagination. Even as per the salary certificate for the month of February, 2017, gross income of the petitioner, who is serving in the Central Reserve Police Force, was ₹42,260/-. Having said that, this court feels no hesitation to conclude that the learned matrimonial court committed no error of law, while passing the impugned order and the same deserves to be upheld.

No doubt, although petitioner-husband is supporting children out of this wedlock, as stated by learned counsel for the petitioner, yet it is equally true that petitioner is under legal obligation to maintain his wife as well. A bare perusal of the impugned order would show that the same has been passed strictly in accordance with true facts and also keeping in view financial status of the petitioner-husband because of which, no fault can be found with the impugned order 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

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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.

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.

17.8.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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