

CR No. 6127 of 2017 (O&M)

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

**CR No. 6127 of 2017 (O&M)
Date of Decision: 11.9.2017**

Jasvir Singh

.....Petitioner

Vs.

Amandeep Kaur

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr.Gurpreet Jayia, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the order dated 28.7.2017 (Annexure P-1) passed by the learned trial court granting an amount of ₹7,500/- per month as maintenance pendente lite to the minor son of the petitioner, who is living with his mother-respondent, 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.

During pendency of the petition under Section 9 of the Hindu Marriage Act, 1955 ('the Act' for short), filed by the petitioner-husband, an application under Section 24 of the Act was filed by the respondent-wife for granting maintenance pendente lite. Since the respondent-wife was also found working, an amount of ₹7,500/-per month was granted in favour of

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the minor son only for his maintenance, who is admittedly staying with his mother-respondent. Petitioner-husband is working as Assistant Sub Inspector in Punjab Police and his monthly salary is more than ₹50,000/-. Even if the argument raised by the learned counsel for the petitioner is accepted that respondent-wife is also working as a Teacher, still an amount of ₹7,500/- per month granted to the minor cannot be said to be on higher side by any stretch of imagination. Having said that, this Court feels no hesitation to conclude that the learned court below committed no error of law, while passing the impugned order and the same deserves to be upheld.

Coming to the judgment of the Hon'ble Supreme Court in **Padmja Sharma Vs. Ratan Lal Sharma, 2000 AIR (SC) 1398**, relied upon by the learned counsel for the petitioner, there is no dispute about the observations made therein. However, on a close perusal of the cited judgment, it has not been found to be of any help to the petitioner, being distinguishable on facts. It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of even one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundara Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533**, **Union of India Vs. Amrit Lal Manchanda and others, 2004 (3) SCC 75**, **State of Orissa Vs. Md. Illiyas, 2006 (1) SCC 275** and **State of Rajasthan VS. Ganeshi Lal, 2008 (2) SCC 533**.

There cannot be any dispute with regard to the proposition that it is the duty of both husband and wife to share their financial responsibility in bringing up the children if both are working. This seems to be the reason

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that the learned court below did not grant any maintenance pendente lite in favour of the wife and it was granted only in favour of the minor child. Since the impugned order has been found factually correct and legally justified, no fault can be found with the same and it 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 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.

11.9.2017
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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