

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

-.-

Civil Revision No. 6134 of 2017 (O&M)

Date of decision: 10.10.2017

Sanjeev Kumar

..... Petitioner

Versus

Anita and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Anil Kumar Goyat, Advocate
for the petitioner

-.-

Rekha Mittal, J.

CM 21766 CII of 2017

Heard.

Allowed as prayed for. Affidavit of Sanjeev Kumar is taken on record.

Main case

The present petition directs challenge against order dated 28.07.2017 passed by the Additional Civil Judge (Senior Division) Bahadurgarh whereby the respondents have been allowed interim maintenance at the rate of Rs.10,000.00 per month in petition filed under Sections 19, 21 and 22 of the Hindu Adoptions and Maintenance Act, 1956.

Counsel for the petitioner has submitted that the petitioner is working as Sub Inspector in a Cooperative Society at monthly salary of Rs.29,356.00 but his net pay is Rs.26,719.00. The petitioner is owner of 25 kanals 16 marlas ancestral land. He has the obligation to look after his old aged ailing mother, his wife and unmarried daughter aged 24 years, therefore, maintenance awarded by the Court below is on higher side and liable to be reduced. It is further submitted that daughter of the petitioner is

pursuing her studies and the petitioner has the obligation to create provision for her marriage.

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

The respondents are the widowed daughter-in-law and minor grand daughter of the petitioner who have claimed maintenance by invoking provisions of the Hindu Adoptions and Maintenance Act, 1956. Marriage of Anita-respondent was performed on 10.12.2012 and her husband passed away within a short span of her marriage but a daughter was born, out of the wedlock. There is nothing on record suggestive of the fact that Anita has any source of income to maintain herself as well as the minor child.

Taking into consideration source of income of the petitioner coupled with prices of daily necessities of life, a sum of Rs.10,000.00 per month awarded by the Court below may not suffice to meet bare minimum needs of the respondents. Under the circumstances, I do not find any patent error much less illegality in the impugned order warranting intervention in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

For the foregoing reasons, the petition fails and is accordingly dismissed *in limine*. However, nothing stated hereinbefore shall cause prejudice to either of the parties at the time of final adjudication of the case by trial Court.

(Rekha Mittal)
Judge

10.10.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No