

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.7851 of 2016 (O&M)

Date of decision: 19.12.2017

Sunita

..... Petitioner

Versus

Devi Lal

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ravinder Hooda, Advocate
for the petitioner.

Mr. Manoj Sharma, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Wife is in revision petition against the order passed by the learned trial Court granting maintenance @ Rs.750/- per month. Petitioner-wife had in para No.3 of the application asserted as under:-

“That the petitioner namely Devi Lal is a caretaker of Nasa Mukti Kender of Narela, Delhi with a salary of Rs.12,000/- PM and also gave fourteen rooms and one house of his share on rent and also getting the interest of his deposits in Bank and also having two killas out of six killas of ancestral agriculture land and thus is earning Rs.70,000/- PM all of the sources. He has been living a luxurious life.”

In reply, husband had asserted as under:-

“That the contents of para No.3 of the application are wrong and vehemently denied. It is wrong that the answering respondent is earning more than Rs.70,000/- per month. In fact the answering respondent is serving in Nasa Multi Kender at Narela, Delhi and getting salary of Rs.8,000/- p.m. only. It is

pertinent to mention here that both the children of the petitioner namely 1. Shivani daughter (age 15 years), 2 Himanshu son (age 13 years) are also living with the petitioner and the petitioner is also spending Rs.4,000/- per month on their education etc. besides that the parents of the petitioner also dependent upon him.”

A careful reading of the aforesaid reply would prove that there was no denial either with regard to the rental income or ownership of two acres of agriculture land.

I have heard learned counsel for the parties at length and with their able assistance gone through the documents filed.

No doubt, the husband is maintaining two children aged about 15 years and 13 years respectively. But still the maintenance pendente lite granted to the wife-petitioner by the trial Court is wholly insufficient. It is admitted fact that the respondent-husband is getting a salary of Rs.8,000/-. He is also having income from the agriculture land as well as from leasing of the rooms.

In view of the above, the impugned order dated 12.09.2016 is modified. Petitioner-wife is granted maintenance pendente lite @ Rs.2500/- per month from the date of the application.

Revision petition is allowed.

19.12.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No