

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7507 of 2017 (O&M)

Date of Order: 01.11.2017

Balwinder Singh

..Petitioner

Versus

Harmanpreet Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. I.P.Singh, Advocate,
for the petitioner.

ANIL KSHETARPAL, J (Oral)

Respondent-petitioner husband is in revision petition against order fixing maintenance pendente lite @ 15,000/- per month.

It is not in dispute that both the parties are educated and the husband is a Software Engineer. Parties have lived in China also. It is the assertion of the wife that the husband is working with Tata Consultancy Services, Baroda. She has placed on record photographs which show that husband is standing in a group of employees of the company, namely Tata Consultancy Services.

After considering all the aspects of the matter, the Court has fixed maintenance pendente lite @ Rs.15000/- per month.

Learned counsel for the petitioner husband has submitted following arguments:-

- (i) The wife is also working and is drawing a salary of Rs.50,000/- per month;
- (ii) In the proceedings under Section 125 Cr.P.C., interim maintenance was fixed @ Rs.7000/-per month, which is liable to be adjusted.

With regard to first argument, it is suffice to say that the husband has failed to produce any unimpeachable evidence to prove that the wife is earning Rs. 50,000/-. Learned counsel for the petitioner has referred to page 59 of the paper book (Annexure P-8) to contend that the wife is working through outsource agency i.e. ADITI Enterprises. However, that itself would not establish that the wife is earning Rs.50,000/-.

Petitioner-husband is entitled to move an application for modification as and when he is able to secure the unimpeachable evidence in this regard before the trial Court.

Second argument of learned counsel for the petitioner-husband is that in the proceedings under Section 125 Cr.P.C., the Court has fixed maintenance of Rs.7000/- per month. He submits that this amount ought to have been adjusted.

There is substance in the argument of learned counsel for the petitioner. The maintenance granted by the Court in a proceeding under Section 125 Cr.P.C. are to be taken into consideration while awarding maintenance under Section 24 of the Hindu Marriage Act, 1955.

In this case, the Court has awarded maintenance @ Rs.15,000/- per month, however, the learned Court has not made any order with regard to adjustment thereof.

Taking into consideration the facts available on the file, it is ordered that the wife shall be entitled to total maintenance @ of Rs.15,000/- per month including the sum awarded in the proceedings under Section 125 Cr.P.C.

Since, I dispose of this petition without issuance of notice to the respondent, the respondent shall be at liberty to move an application for

modification thereof.

The revision petition is disposed of accordingly.

November 01, 2017
nt

(ANIL KSHETARPAL)
JUDGE

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