

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.811 of 2017 (O&M)
Date of Decision : 06.02.2017.

Surender Pathak

.....Petitioner

Versus

Simple @ Kavita

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. N.K.Malhotra, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

CM No.2479-CII of 2017

Allowed as prayed for.

CR No.811 of 2017

Vide order being assailed, dated 17.12.2016, rendered by the District, Judge, Family Court, Rohtak, the respondent-wife has been awarded ₹5,000/- per month as maintenance *pendente lite* as also ₹5,500/- as litigation expenses.

Concededly, the respondent-wife is living separately and no credible material is brought on record to show that she was/is engaged in any profitable avocation to sustain herself. On the contrary, the petitioner is a qualified “Karamkand Parbhakar”, and the case set out by the respondent was/is that he was earning more than ₹35,000/- per month. Whereas, the case of the petitioner is that he is doing the Karamkand (Panditai) in the

village and on an average would earn ₹5,000/- to 6,000/- per month.

Indisputably, the petitioner is under an obligation to maintain the respondent, who is his legally wedded wife. The learned District Judge, on an analysis of the matter and the material on record found that ₹5,000/- per month shall be an appropriate amount to be awarded as maintenance under Section 24 of the Hindu Marriage Act. Learned counsel for the petitioner could not show as to how the discretion exercised by the Court or the conclusion arrived was either contrary to the record or suffered from any material illegality. No other argument was advanced.

That being so, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly, dismissed.

06.02.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No