

In the High Court of Punjab and Haryana at Chandigarh

CRM -M- 20159 of 2016

Date of Decision: 19.1.2017

Devinder Singh

---Petitioner

versus

Gurdeep Kaur

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Raj Kumar Chandana, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition directs challenge against orders dated 25.8.2015 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Ludhiana and dated 12.1.2016 (Annexure P-4) passed by the Additional Sessions Judge, Ludhiana whereby the respondent -wife has been allowed interim maintenance at the rate of Rs. 7000/- per month by the trial court and the order passed by the trial court has been affirmed in revision.

Counsel for the petitioner has assailed the impugned order primarily on two counts. The first submission made by counsel for the petitioner is that the petitioner is working as a Clerk with Post Office and drawing gross salary of Rs. 27,029/-. Out of this amount, a sum of Rs, 11,000/- per month is paid towards monthly instalment of house loan taken by him, therefore, in case the orders impugned are sustained, petitioner would hardly be left with any money for his own upkeep and maintenance. The second submission made by counsel is that the respondent-wife is

M.A. B.Ed. and she is working in a school, therefore, has sufficient means to maintain herself.

I have heard counsel for the petitioner, perused the paper book particularly the orders impugned.

There is nothing on record suggestive of the fact that the respondent-wife is working in a school and has a source of income. On a pointed query raised by the Court, counsel for the petitioner has fairly informed that there is no material on record to substantiate plea of the petitioner in this regard. So far as the plea with regard to his liability to pay instalment qua house loan raised by him, for the purpose of assessment of maintenance, only statutory deductions are to be taken into consideration. The petitioner cannot escape his liability to pay adequate maintenance to his wife by raising loan and making deduction from the salary. In this view of the matter, I do not find any error much less illegality in the impugned orders warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated in this order shall prejudice either of the parties at the time of final adjudication of the case by the trial court.

(Rekha Mittal)
Judge

19.1.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No