

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

CRM No. M-23606 of 2016

Date of decision: 27.01.2017

Ranjit Singh

..... Petitioner.

Versus

Sarabjit Kaur and others

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. V.K. Sandhir, Advocate, for the petitioner.

LISA GILL, J.

This petition has been filed for setting aside order dated 19.09.2015 (Annexure P-1) passed by the learned Judicial Magistrate 1st Class, Sunam as well as order dated 24.05.2016 (Annexure P-3) passed by the learned Additional Sessions Judge, Sangrur in revision.

The learned trial Court has fixed the interim maintenance @ ₹ 1,500/- per month for respondent No.1 i.e. the petitioner's wife as well as ₹ 500/- per month each for respondents No. 2 and 3, minor children of the petitioner. It is further directed that a sum of ₹ 3,000/- per month will be paid on account of rent to the respondents and ₹ 4,000/- was assessed as litigation expenses. Income of the petitioner was assessed to be ₹ 6,000/- per month on the analogy that even a daily wage earner would earn ₹ 200/- per day. In the revision preferred by the petitioner, the learned Additional District Judge, Sangrur upheld the quantum of maintenance awarded to the respondents but reduced the amount of rent to be paid to the respondents to ₹ 1,000/- per month from ₹ 3,000/- per month. Still aggrieved therefrom, this petition has been preferred.

This Court on 18.07.2016 had directed the petitioner to inform as to how much maintenance amount has been deposited by him. It was thereafter informed that no amount had been deposited at all by the petitioner. The

petitioner was directed by this Court on 21.11.2016 to deposit a sum of ₹ 50,000/- with the learned trial Court before the next date of hearing. Learned counsel for the petitioner affirms that the said amount has still not been paid. This petition thus deserves to be dismissed on this ground itself. However, I have heard learned counsel for the petitioner on merit and perused the file.

Learned counsel for the petitioner has argued that respondent No. 1 left the matrimonial home at her own and he has no objection to cohabiting with the respondent in case she desires to come back and live with him. It is further argued that the petitioner has no means of livelihood and the averments of the respondent that the petitioner has landed property is incorrect. It is however, not revealed even before this Court as to what is the means of livelihood of the petitioner.

In the given factual matrix of this case, the learned judicial Magistrate 1st Class, Sunam has rightly assessed the monthly income of the petitioner to be at least ₹ 6,000/- per month. Furthermore the learned Additional District Judge, Sangrur has reduced the amount of rent to be paid by the petitioner to ₹ 1,000/- instead of ₹ 3,000/-. Learned counsel for the petitioner is unable to point out any ground in the facts and circumstances of this case which call for any interference by this Court.

There is no infirmity or illegality in the impugned orders dated 19.09.2015 and 24.05.2016 passed by the learned Judicial Magistrate 1st Class, Sunam and the learned Additional District Judge, Sangrur respectively.

This petition is accordingly dismissed.

(LISA GILL)
JUDGE

27.01.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*