

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

CRM-M-27850-2017

Date of decision-18.08.2017

Kunal Nayyar

...Petitioner

Vs.

Shilpa Nayyar

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder Singh, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside the order dated 16.09.2016 (Annexure P-3) whereby the petitioner/husband had been directed to pay a sum of ₹ 8,000/-per month as maintenance to the respondent/wife and order dated 14.06.2017 (Annexure P-4) whereby revision against the abovesaid order had been dismissed.

It is contended that the trial Court has awarded maintenance amount to the respondent without appreciating the fact of petitioner being out of service and is to look after his old and ailing mother was not considered by the Court below.

I have heard learned counsel for the petitioner and have gone through the case file.

The marriage between the parties took place on 07.04.2012. On 29.06.2015, respondent/wife allegedly left the matrimonial home and has been residing at her parental home. The respondent/wife claimed that the petitioner is employed with M/s Brnhard Schulte Ship Management

(Merchant Navy) and has been earning ₹1,00,000/- per month.

The petitioner/husband claimed that the he has no source of income as he is out of work since 07 months and the trial Court has not referred to this fact. Furthermore, the relationship between the parties and their separation is not in dispute. He claimed that respondent/wife is graduate and is earning handsome amount from tuition, stitching and art work, however, there is no evidence produced or proved on record that respondent/wife has any source of income.

It cannot be said that the amount of ₹8,000/- per month is on higher side, especially when there is substantial increase in cost of living. In that view of the matter, the Courts below rightly fixed the maintenance in favour of the respondent. There is no illegality or perversity in the impugned orders. The petition is accordingly dismissed.

August 18, 2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No