

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

-.-

Crl. Misc. M 33017 of 2015
Date of decision: 16.03.2017

Surender Rana

..... Petitioner

Versus

Meenu

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Jagdish Manchanda, Advocate
for the petitioner

-.-

Rekha Mittal, J.

The present petition directs challenge against orders dated 22.01.2015 passed by the Sub Divisional Judicial Magistrate, Meham and dated 02.09.2015 by the Sessions Judge, Rohtak whereby the respondent-wife has been allowed maintenance @ Rs.10,000.00 per month from the date of filing of the petition.

Admittedly, the respondent and the petitioner performed marriage on 08.12.2010 at village Mokhra, Tehsil Meham, District Rohtak. The respondent is residing away from the matrimonial home and she initiated the proceedings under Section 125 of the Code of Criminal Procedure (in short, Cr.P.C.) by filing an application in December 2011. She was allowed interim maintenance @ Rs.7,000.00 per month but eventually, the proceedings culminated in order dated 22.01.2015 (Annexure P2) whereby she was allowed maintenance @ Rs.10,000.00 per month and litigation expenses to the tune of Rs.8,000.00. As has been

noticed hereinbefore, the order passed by the trial Court has been affirmed in revision.

Counsel for the petitioner has submitted that at the time of marriage, respondent-wife was doing course of Chartered Accountant, therefore, she is an educated girl and cannot afford to sit idle at the cost of putting financial burden upon the petitioner. It is further submitted that gross salary of the petitioner is approximately Rs.30,000.00 but his carry home salary is Rs.21,340.00 per month, thus, maintenance assessed by the Courts below is on the higher side and liable to be reduced.

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

The revisional Court has dilated on the issue, if the respondent-wife is a qualified Chartered Accountant and the same has been answered against the petitioner in view of the observations recorded in para 8 of the order. Counsel for the petitioner has failed to point out any material on record, sufficient to substantiate plea of the petitioner (beyond pleadings) that the respondent-wife is a qualified Chartered Accountant. This apart, there is no evidence on record with regard to qualification of the respondent much less she being gainfully employed, therefore, in a position to provide for her maintenance. In this view of the matter, there is no merit in contention of the petitioner that the respondent is not entitled to get maintenance.

This brings the Court to quantum of maintenance assessed by the Courts. The revisional Court in para 9 of the order has made reference to carry home salary of the petitioner. The petitioner has not placed on record any document with regard to his gross emoluments. Nevertheless,

even if we accept that gross salary of the petitioner is approximately Rs.30,000.00 per month, maintenance assessed by the Courts cannot be said to be excessive, more particularly under the circumstances that the petitioner also owns some land, documents in regard whereof are stated to be placed on record. The amount of Rs.10,000.00 per month awarded by the Courts may not be sufficient to meet day-to-day needs of the respondent what to talk of providing her housing much less comforts and luxuries.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed *in limine*.

(Rekha Mittal)
Judge

16.03.2017
mohan bimbra

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