

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

Crl. Misc. No.M-35594 of 2017

Date of Decision: 22.09.2017

Sushil @ Toni

..... Petitioner

Versus

Pooja

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Surinder Singh Advocate
for the petitioner.

LISA GILL, J(Oral).

Petitioner is aggrieved of order dated 08.06.2017, passed by the learned Chief Judicial Magistrate, Palwal and judgment dated 16.08.2017 passed by the learned Sessions Judge, Palwal.

Interim maintenance to the tune of ₹. 10,000/- per month has been awarded to the respondent-wife by the learned trial Court. Revision petition preferred by the present petitioner was dismissed by the learned Sessions Judge, Palwal on 16.08.2017. Aggrieved therefrom, the petitioner has approached this Court.

It is submitted that the petitioner is in-fact earning only a sum of ₹ 8000/- per month. Therefore, award of ₹ 10,000/- per month to respondent-wife is unjustified. Therefore, the impugned orders be set aside.

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

It is to be noted that as per the petitioner's own admission, he was earning a sum of ₹ 25,000/- per month. This fact is noted by both the learned Courts below while awarding the interim maintenance as above. Mere bald assertion of the petitioner that he is earning ₹ 8000/- without any document to indicate the same is not acceptable, at this stage. Moreover, it is

only interim maintenance which has been assessed by the learned Courts below. The matter is to be finally adjudicated after leading of evidence by both the parties and adjustment, if any, would certainly be made at that time.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned orders dated 08.06.2017 and 16.08.2017, passed by the learned Chief Judicial Magistrate, Palwal and learned Additional Sessions Judge, Palwal, respectively, which calls for interference by this Court in exercise of jurisdiction under Section 482 Cr.P.C.

Accordingly, this petition is dismissed.

22.09.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No