

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

**CRM-M-40751-2017  
Date of decision-31.10.2017**

**Harbans Singh**

**...Petitioner**

**Vs.**

**Rajwinder Kaur**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Ashu Kaushik, Advocate for the petitioner.

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**JITENDRA CHAUHAN, J. (Oral)**

The present petition has been filed for setting aside the impugned order dated 11.02.2014 (Annexure P-4) passed by Judicial Magistrate First Class, Malerkotla whereby the petitioner/husband had been directed to pay a sum of ₹2,000/-per month as interim maintenance to the respondent in the proceedings under Section 12 of Protection of Women under Domestic Violence Act, 2005.

Learned counsel for the petitioner contends that Court below has awarded interim maintenance amount to the respondent without appreciating the fact and circumstances that the petitioner is earning a meagre amount of ₹8,000/- per month. He further contends that respondent-wife is living separately with her two sons and two daughters with her own will. All children are earning good enough to maintain themselves.

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

Admittedly, the respondent is the legally-wedded wife of the petitioner. There is nothing on record that the respondent-wife has herself

left his company. Therefore, the respondent-wife is legally entitled to claim maintenance from the petitioner. Presently respondent-wife is living separately in rented accommodation with her four children. The respondent/wife claimed that the petitioner has been running a denting shop and earning ₹40,000/- per month. Apart from this he has movable and immovable property in his name. At this stage, it cannot be said that respondent-wife is living separately from the petitioner without any sufficient cause. The petitioner is an able-bodied person. Even a daily wager in the State of Punjab can easily earn a sum of ₹291/- per day. He is legally and morally bound to maintain his wife.

In the circumstances, this Court feels that the amount of ₹2,000/- per month by no stretch of imagination can be said to be on higher side for maintenance of the wife especially in the present scenario of high rise in the cost of living.

In this view of the matter, the Court below rightly fixed the interim maintenance in favour of the respondent. There is no illegality or perversity in the impugned order. Thus, present petition is accordingly dismissed.

**31.10.2017**

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**(JITENDRA CHAUHAN)  
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No