

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

**CRM No.M-44036 of 2014
Date of decision: 23.02.2017**

Ram Niwas

....Petitioner

Versus

Saroj Rani and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. C.R. Dahiya, Advocate
for the petitioner.

REKHA MITTAL J. (Oral)

The present petition directs challenge against orders dated 26.05.2014 passed by the Chief Judicial Magistrate, Fatehabad and dated 01.10.2014 by the Sessions Judge, Fatehabad whereby the respondents have been awarded interim maintenance @ Rs.5,000/- per month to the wife and Rs.4,000/- each to the minor children namely Aman and Saurav and the order passed by the trial Court has been affirmed in revision.

Counsel for the petitioner has submitted that interim maintenance allowed by the Courts below is on higher side and needs to be reduced. To substantiate his contention, it is submitted that the petitioner is owner of 09 acres of land out of which 38 kanals 10 marlas has been transferred in the name of respondent – wife, sufficient to provide maintenance to the respondents.

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

Counsel for the petitioner, on a pointed query raised by the

Court, has fairly informed that though the petitioner has transferred 38 kanals 10 marlas in favour of the wife but possession of the entire 09 acres of land is with the petitioner. That being so, there is no question of the respondents being possessed of means to maintain themselves.

Taking into consideration prices of daily necessities of life coupled with the factum that the wife is entitled to enjoy the same amenities of life as she would have been had she been staying in the matrimonial home along with that the petitioner has an obligation in law to provide adequate maintenance to his wife and children, I do not find any reason to interfere in the orders impugned.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated hereinbefore shall cause prejudice to the respondents at the time of final adjudication.

(REKHA MITTAL)
JUDGE

23.02.2017

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