

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

Criminal Revision No.2081 of 2015(O&M)

Date of Decision: September 26 , 2017.

Sardar Ajit Singh

..... PETITIONER (s)

Versus

Smt. Rajinder Kaur and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioner.

Mr. A.S.Manaise, Advocate
for respondent No.1.

LISA GILL, J.

The petitioner is aggrieved of order dated 26.03.2015 passed by the learned Additional Sessions Judge, Faridabad whereby interim maintenance of ₹4,000/- per month assessed by the learned Judicial Magistrate First Class, Faridabad to be paid to the respondent-wife and the three children has been enhanced to the tune of ₹15,000/- per month.

It is not in dispute that marriage between the petitioner and respondent No.1 was solemnized on 30.01.1994 and three children were born out of this wedlock. It is averred in the petition filed by the respondent-wife under the Protection of Women from Domestic Violence Act, 2005 that the present petitioner, an extremely rich person, treated the respondent-wife with

utmost cruelty. He is stated to be a habitual drinker, physically abusing respondent No.1 under the influence of liquor. An establishment i.e., Teg Industries though in the name of respondent-wife, is being run by the petitioner. There are two other establishments run by him and his monthly income is stated to be more than ₹5,00,000/- per month.

Learned Judicial Magistrate First Class, Faridabad directed the present petitioner to pay a sum of ₹4,000/- per month to the respondents during the pendency of the said petition. On an appeal preferred by the respondents, the learned Additional Sessions Judge, Faridabad enhanced the said amount to ₹15,000/- per month taking into account that all the three children are residing with the respondent-wife and are receiving their education. One of the daughters is pursuing her studies in college and second daughter was preparing to join college whereas, the son is studying in school. Aggrieved therefrom, the present revision petition has been filed by the petitioner-husband.

Learned counsel for the petitioner vehemently argues that during the pendency of this petition, the petitioner's son has joined him and is being looked after by the petitioner. The respondent-wife is living in the premises owned by him. Moreover, his business has suffered a grave set-back. The petitioner himself has to live in rented premises and has to look after his sister who is living with him after her divorce. It is thus prayed that order dated 26.03.2015 passed by the appellate court be set aside and the order passed by the learned trial court be upheld.

The arguments as above have been refuted by learned counsel for respondent-wife. It is however not denied that during the pendency of this

petition, minor son of the parties has started residing with the petitioner, though it is submitted that the petitioner has allured the young child with gifts and promise of various articles which is irresistible for a young child. It is submitted that the premises in which the respondents are residing doubtlessly belong to the petitioner, however they are residing only in a part of the entire premises. Respondent No.1 alongwith her daughters is living on one of the floors of the three storey building. The other two floors are in possession of the petitioner. It is stated that respondent No.2 is desirous of pursuing her MBA after completing her graduation and she is taking coaching classes for the same. Respondent No.3 has completed her 10+2 and is pursuing a Web Designing course. Considerable expense is thus incurred on their education. It is submitted that respondents No.1 to 3 have no objection in case a sum of ₹3,750/- is deducted from ₹15,000/- which, at best, would be the amount falling to the share of minor son who is now residing with the petitioner.

I have heard learned counsel for the parties at length and have gone through the file with their able assistance.

Marriage of the parties is not in dispute. It is noted that this matter was placed before the Mediation and Conciliation Centre of this Court but mediation between the parties did not fructify. There is nothing on record to suggest that the respondents have any other source of income or livelihood. Respondent No.1 is the legally wedded wife of the petitioner and respondents No.2 and 3 are his daughters. He is legally and morally bound to make arrangements for their maintenance and upkeep. Both the daughters are receiving their education. The amount of ₹15,000/- p.m. to be paid to the

respondents as assessed by the learned Additional Sessions Judge, Faridabad vide impugned order dated 26.03.2015 is not excessive.

However, keeping in view the concession on behalf of respondents No.1 to 3, it is directed that instead of ₹15,000/-, a sum of ₹11,250/- (15000-3750) be paid by the petitioner by the 10th of each month from May, 2015 onwards i.e. since the petitioner's son started residing with him.

The sum of ₹50,000/- deposited with the Registrar General of this Court in terms of order dated 24.09.2015, be released to respondent No.1 qua adequate proof of identity. ₹25,000/-, out of the said amount, shall be towards litigation expenses of respondent No.1 and rest of the amount i.e., ₹25,000/- towards arrears of maintenance.

The petitioner, duly identified by his counsel, is present in Court. He undertakes to deposit the entire arrears due towards the respondents within a period of four weeks from today.

With the abovesaid modification in order dated 26.03.2015, this petition is disposed of.

September 26 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No