

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1501-2016

Date of Decision:- 29.03.2017

Sajjan Singh

....Petitioner

Versus

Sushila Devi and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Mukesh Yadav, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner (husband) has filed the present revision petition against judgment dated 08.02.2016, passed by learned Additional Sessions Judge, Narnaul whereby the appeal filed by the petitioner against the order dated 27.11.2015, passed by learned Judicial Magistrate 1st Class, Mohindergarh, has been dismissed and he has been directed to pay maintenance of ₹20,000/- per month to the respondents.

Learned counsel for the petitioner has argued that the income assessed by the Courts below is on the higher side and the petitioner is not in a position to pay the maintenance amount. Moreover, the Courts below have not considered the evidence led by the petitioner and wrongly directed him to pay maintenance of ₹20,000/- per month to the respondents. So, the impugned orders are liable to be set aside.

As is evident from the record that learned Judicial Magistrate,

1st Class, Narnaul, after taking into consideration the facts and all the

contentions pertaining to appreciation of evidence, has granted the maintenance, by virtue of order dated 27.11.2015, which in substance is as under: -

“11. Now at this juncture, a subtle question does crop up i.e. what should be the scale of maintenance amount to be paid to the petitioner? In order to answer the call of this another cornerstone question of the present petition, it will be subtle to establish the income generation of the respondent. To prove the income of the respondent with the meritorious assistance rendered by the Ld. Counsel for the petitioner, I navigated through the evidence of the respondent examined as RW1 wherein he has conceded to be withdrawing the monthly pension at the sum of Rs.13,165/- and to further buttress the quantum of the monthly income of the respondent, the Ld. Counsel for the petitioner enabled me to scrutinize pension statement Ex.PW3/A and the statement of account of the respondent Mark B which even upon its cumulatively appraisal transpires that the respondent Sajjan Singh is currently withdrawing the monthly pension to the tune of Rs.13,163/- and the net salary of Rs.32,118/- from his current employer i.e. PAO DSC KANNUR KERALA UNIT: 936 DSCPL ATT. Army and contrariwise, the respondent could not adduce any sterling evidence to demonstrate that the petitioner is either actually generating the income or is blessed with the income generation potentialities. Thus from the juxtapositional appraisal of the evidence of the petitioner and the respondent, it safely spirals out that the respondent is withdrawing the salary of Rs.45,000/- per mensem.

Once the quantum of the monthly income of the petitioner at Rs.45,000/- at this juncture, it is apposite and condign to state here that this Court is not oblivious of the soaring price index of the essential commodities which has made the leading of the life so cumbersome that to lead even a mediocre life of the style as that of the petitioner and respondent requires a monthly domestic expenses of about 25000/- P.M., but keeping the balance of circumstances prevailing on both the sides of the parties specifically the factum that the petitioner No.1 who has been left in the lurch midstream by the respondent after committing the conjugal infidelity with her (by entering into second matrimonial alliance) is encumbered with her onerous liability to provide the schooling and maintenance to the school goner co-petitioner Joginder into the judicial stock, to the judicial conscience of this Court, the petitioner No.1 merits to be maintained @ Rs.10,000/ per month and the co-petitioner Joginder merits to be maintenance @ Rs.10,000/- per month from the date of the pronouncement of this order.”

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the Courts below have rightly granted the maintenance of ₹20,000/- per month to the respondents and the same has been passed after appreciating the evidence in the correct prospective. Since no ground for interference is made out, therefore, the present revision petition filed by the petitioner is hereby dismissed.

March 29, 2017
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No