

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

**CRR(F)-231-2017(O&M)  
Date of decision-18.07.2017**

**Surinder Pal**

**...Petitioner**

**Vs.**

**Ritu Bala**

**...Respondent**

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

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

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

The petitioner is impugning the order dated 03.10.2016 passed by the District Judge, Pathankot whereby in a petition under the Protection of Women from Domestic Violence Act, the petitioner/husband has been directed to pay a sum of ₹3000/- as interim maintenance to the wife from the date of order. The petitioner has laid challenge to the judgment dated 03.10.2016.

Learned counsel for the petitioner contends that respondent/wife is skilled lady and earning Rs.10,000/- per month by way of doing the work of tailoring. Both the children are living with the petitioner and all the expenses are borne by him.

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

The petitioner has also moved an application (CRM-18701-2017) under Section 5 of the Limitation Act for condonation of delay of 147 days in filing the revision petition.

There is unexplained and inordinate delay. No valid grounds are made out to condone the huge delay of 147 days.

Accordingly, the application lacks merit and is hereby dismissed.

Even on merits, the petitioner has no case at all.

In the instant case, Surinder Pal/petitioner was married to Ritu Bala/respondent on 25.11.2001. They had two children. The respondent/wife claimed that the income of the husband is Rs. 40,000/- per month. The wife filed a petition seeking maintenance on 18.04.2015.

Aggrieved by the order, the husband filed a revision and claimed that the respondent/wife is skilled lady and earning Rs.10,000/- per month by way of doing the work of tailoring and the trial Court had not referred to this fact. Furthermore, the relationship between the parties and their separation is not in dispute. There is no evidence produced or proved on record that respondent/wife has any source of income.

It cannot be said that the amount of Rs.3,000/- per month is on higher side, especially in the present scenario of high rise in the cost of living. In that view of the matter, the Courts below rightly fixed the interim maintenance in favour of the respondent. There is no illegality or perversity in the impugned order. The petition is accordingly dismissed, on merits as well as being time barred.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**July 18, 2017**

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**(JITENDRA CHAUHAN)  
JUDGE**

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |