

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.1573 of 2018

Date of Decision.09.03.2018

Rajinder Kumar

.....Petitioner

Vs

Rachna Devi

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Tarun Veer Singh Lehal, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

The petitioner-husband is in revision petition against the order dated 24.10.2017 whereby the application under Section 24 of the Hindu Marriage Act in divorce petition preferred by the petitioner filed by the respondent-wife has been allowed granting ad interim maintenance of ₹10,000/- per month and litigation expenses as ₹7000/-.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is pursuing Ph.D. Though he is not earning but the trial Court has taken the income of the deceased as ₹30,000/- per month and awarded interim maintenance of ₹10,000/-. However, earlier the petitioner was earning ₹60,000/- per month but by now doing Ph.D, he is no longer earning any amount, thus, the amount of ₹10,000/- as maintenance is on higher side.

I have heard learned counsel for the petitioner and appraised the paper book. To a specific query raised whether any child is born out of the wedlock, the counsel for the petitioner replied that there is a baby boy of less than one year, which is in the custody of wife. Keeping in view the status of the petitioner as a Professor in an institute at Dinanagar, an

inference drawn by the trial Court is correct, though it would always be subject of evidence before the Court during the course of trial of the divorce petition but the fact of the matter is respondent-wife has to be maintained. As per the status of the husband, interim maintenance of ₹10,000/- is sufficient as the custody of the minor child is with the respondent-wife.

I do not find any reason to differ with the order as passed by the trial Court as the same cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

March 09, 2018

Pankaj*

Whether reasoned/speaking Yes/No

Whether reportable Yes/No