IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.2739 of 2018
Date of decision : 27.04.2018

Dalbir Singh Nijjar ...Petitioner

Versus

Navneet Kaur and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Joshi, Advocate for the petitioner.

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ANIL KSHETARPAL, J. (ORAL)

The husband-petitioner is in the revision petition against the order dated 17.01.2018 directing him to pay the maintenance pendente lite at ₹30,000/- per month after noticing that the parties have sufficient resources at their command and belong to the upper middle class family. The Court has noticed that the husband-petitioner is running two business, one under the name and style of D & D Estates and second, a music company under the name and style of DH One Records.

Although, the petitioner has submitted that the aforesaid businesses have failed however, no evidence in support thereof was filed. Learned counsel for the petitioner has vehemently argued that the wife is also running a Boutique and a Chemist Shop. Learned counsel has also drawn the attention of the Court to the Income Tax record of the wife showing the income of ₹3,30,700/-. The application was filed by the wife and two minor sons.

As per the learned counsel for the petitioner, Danish Singh has already left India and is settled in abroad.

Be that as it may, this Court has noticed that second son of the parties is suffering from Type I Diabetes Mellitus and approximately ₹6,000/- per month is being spent on the treatment. Second son Murad Nijjar is also studying in a good school. The wife is stated to be living in a rented accommodation.

Keeping in view the aforesaid facts, the Court has fixed the maintenance pendente lite at ₹30,000/- per month.

Learned counsel for the petitioner in last has submitted that the petitioner is also paying ₹7,000/- as maintenance under the order of the Court fixing the maintenance in the proceedings under Section 125 Cr.P.C. He submits that such amount ought to have been adjusted while fixing the maintenance pendente lite.

It is well settled that unless there is order to the contrary, maintenance fixed in various proceedings have to be adjusted. In this case, there is no order to the contrary.

Taking into consideration the aforesaid facts, the revision petition is dismissed with the observations that the maintenance fixed under Section 125 Cr.P.C. shall be adjusted while paying maintenance pendente lite as ordered by the Court.

27.04.2018 **(ANIL KSHETARPAL)**
Pawan **JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No