

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

Civil Revision No.2986 of 2017 (O&M)
Decided on:-January 30, 2018.

Prabhpreet Singh Sidhu.

.....Petitioner.

Versus

Gaganpreet Kaur.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Narender Singh, Advocate
for the petitioner.

Mr. Mayank Mathur, Advocate
for the respondent.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed present revision petition for setting aside the order dated 17.01.2017 (Annexure P-1) passed by learned Additional District Judge, Chandigarh, whereby the application under Section 24 of the Hindu Marriage Act, 1955 (for short, the 1955 Act) filed by the respondent-wife was disposed of and the petitioner-husband was directed to pay Rs.15,000/- per month to the respondent-wife i.e. Rs.10,000/- per month for her and Rs.5,000/- per month for upbringing the minor son, during pendency of the divorce petition filed by the petitioner-husband under Section 13(1) (ia) of the 1955 Act.

Learned counsel for the petitioner-husband has argued that the respondent-wife is already working as an Instructor (Human Resource

Executive) at Government Industrial Training Institute for Women, Chandigarh and, as such, she is employed and financially well placed. Therefore, she (wife) is not entitled for this much amount of interim maintenance as awarded by learned matrimonial Court. She is already drawing about Rs.40,000/- per month as salary, but the Court below has not looked into the documentary evidence, so led by the petitioner-husband at the time of adjudication of the application filed under Section 24 of the 1955 Act by the respondent-wife.

He has further argued that in a separate complaint filed by the respondent-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005, she has also been awarded maintenance of Rs.5,000/- per month vide order dated 12.06.2017 passed by learned Judicial Magistrate 1st Class, Patiala. In this manner, in two separate cases i.e. (i) in complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, the petitioner-husband is paying Rs.5,000/- per month to the respondent-wife and (ii) in the application under Section 24 of the 1955 Act, the petitioner-husband is further required to pay Rs.15,000/- per month as interim maintenance to the respondent-wife which include Rs.5,000/- per month for upbringing of the minor son of the parties.

He has further argued that the petitioner-husband does not possess the enough resources so as to pay Rs.20,000/- per month as interim maintenance to the respondent-wife and that too in two different petitions. The matrimonial Court was required to decide the application for interim maintenance on the basis of documentary evidence and the affidavits filed by

the parties, but such like evidence has completely been ignored. The respondent is already well placed in service and drawing sufficient salary so as to maintain herself and the son.

On the other hand, learned counsel for the respondent-wife has argued that the petitioner-husband is financially well placed in society. Therefore, he can pay the maintenance, as awarded by the matrimonial Court. However, he has been fair enough to submit that the respondent-wife is ready to give up the interim maintenance of Rs.5,000/- per month, as granted by learned Magistrate in the proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and she restricts her claim qua interim maintenance, as granted by learned matrimonial Court in the proceedings under Section 24 of the 1955 Act only.

I have heard learned counsel for the parties.

In order to explore the possibility of reconciliation between the parties, on 19.01.2018, this Court had passed the following order:

“The petitioner, who is present in-person along with his lawyer, has shown his inclination to meet his wife and his son. He states that he would like to join them over lunch in Patiala on 21.01.2018. He undertakes not to create any embarrassing situation in the luncheon meeting.

On the other hand, learned counsel for the respondent, on instructions from Manjit Singh-father of the respondent, states that he has no objection if the petitioner visits Patiala and organize a lunch with his family on Sunday i.e. 21.01.2018.

Adjourned to 25.01.2018.

Meanwhile, let petitioner organize the offered lunch.”

This Court has been informed that pursuant to the aforesaid order dated 19.01.2018, the parties met over lunch and interacted. However, the matter could not be reconciled for whatsoever reasons, which are not relevant to be discussed here as it may prejudice the pending proceedings before the trial Court.

Since learned counsel for the respondent-wife has been fair enough to give up the interim maintenance granted by learned Magistrate under the Protection of Women from Domestic Violence Act, 2005 and has restricted the claim qua interim maintenance, as awarded by learned matrimonial Court, this Court does not find any occasion to interfere in the impugned order dated 17.01.2017 (Annexure P-1) passed by learned matrimonial Court.

Accordingly, the present civil revision is disposed of with a direction that the petitioner-husband shall pay the interim maintenance of Rs.15,000/- per month to the respondent-wife, which include Rs.5,000/- per month for upbringing of the minor son of the parties and the respondent-wife shall not be entitled to claim maintenance of Rs.5,000/- per month, as awarded by learned Magistrate in the complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

The petitioner-husband shall clear the outstanding dues/arrears within one month from today or the time so fixed by learned matrimonial Court. However, taking into consideration the nature of litigation, which is pending between the parties for the last more than two years and the fact that various litigations are pending between the parties, the matrimonial Court

shall make a sincere endeavour to decide the petition filed by the petitioner-husband under Section 13(1)(ia) of the 1955 Act preferably within a period of one year from the date of receipt of certified copy of this order.

January 30, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No