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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 8.1.2018

CM No. 25308-CII of 2016 in/and
CR No. 2795 of 2015 (O/M)

Kulbir Kaur Petitioner (s)

Versus

Bhupinder Kumar Respondent (s)

CR No. 3418 of 2015 (O/M)

Bhupinder Kumar Petitioner (s)

Versus

Kulbir Kaur Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Hittan Nehra, Advocate, for applicant-petitioner
in CM-25308-CII-2016 in CR-2795-2015 and for respondent
in CR-3418-2015.

Mr. J.S. Randhawa, Advocate, for petitioner in CR-3418-2015
and for respondent in CR-2795-2015.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

This order will dispose of two connected revisions i.e. CR-2795-2015 and CR-3418-2015, as both revisions are directed against the order dated 11.3.2015, passed by the learned Additional District Judge, SAS Nagar, Mohali, vide which during the pendency of the petition filed under Section 13 of the Hindu Marriage Act, 1955, an order was passed on an application filed under Section 24 of the Hindu Marriage Act, 1955, and

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wife and her son were granted Rs. 50,000/- per month as maintenance. For brevity, facts have been taken from CR-3418-2015.

I have heard the learned counsels for the parties and have also carefully gone through the files.

The perusal of impugned order shows that respondent-wife had projected before the lower Court that she is a Government employee and having salary of Rs. 20,000/- per month. She is having a son who is studying in tenth class.

On the other hand, it was found by the Court that petitioner-husband is LIC agent and from the financial statement, it was concluded that his monthly income is not less than rupees one lakh.

The learned counsel for petitioner-husband has argued that financial statement is not the actual income and his income is less than rupees one lakh. The learned counsel for petitioner-husband has also referred to the provisions of Section 24 of the Hindu Marriage Act, 1955, where the wife is entitled to maintenance only if she has no independent income to support herself. The learned counsel for petitioner-husband has further contended that he is not running away from his responsibility to pay monthly maintenance to his son. The learned counsel for petitioner-husband has further argued that as per the statement made by respondent-wife in another proceeding dated 28.10.2017 before the Court, her salary at that time was Rs. 47,000/- plus, from which she is paying Rs. 15,000/- as GP Fund Rs. 1000/- as income tax and Rs. 30/- as GIS, leaving the actual income to approximately Rs. 31,000/- per month. It is further contended that as per Annexure-P-1, her salary was Rs. 35,000/- per month in the year 2015. If the said deductions are taken, her income is likely to be around Rs. 20,000/-.

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Both the learned counsels for the parties have informed the Court that out of wedlock of parties, a son was born on 9.3.1998 and he became major on 8.3.2016. The petitioner-husband is ready to pay reasonable sum to said son to support his study, clothing and other necessities. Respondent-wife from her own income can maintain herself. The learned counsel for petitioner-husband has further informed the Court that respondent-wife is living in a house which is owned by the petitioner-husband and petitioner-husband is paying the installments of said house.

Considering the entirety of facts and circumstances and the fact that respondent-wife is living in the house of petitioner-husband and she is having an independent income and also the fact that the maintenance is only for her support to son, the maintenance of Rs. 50,000/- per month is liable to be reduced to Rs. 20,000/- per month from the date of filing of application till the date of majority of the son i.e. 8.3.2016. Litigation expenses are maintained.

At this stage, the learned counsel for petitioner-husband Bhupinder Kumar, who is also present in Court today, has offered that he is ready to pay Rs. 15,000/- per month as maintenance to son from the date of filing of the application till the date of majority of his i.e. 8.3.2016 and the payment of arrears will be paid within fifteen days.

In these circumstances, it is ordered that if petitioner-husband pays Rs. 15,000/- per month to the son as maintenance from the date of filing of application till the date of attaining majority of his son i.e. 8.3.2016, this order deems to have been satisfied. However, if the payment of arrears is not made within fifteen days, maintenance at the rate of Rs. 20,000/- per

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month shall be recoverable, as ordered above, by coercive method.

Both the revisions are disposed of.

(KULDIP SINGH)
JUDGE

8.1.2018
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No