

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

CR No.354 of 2016 (O&M)

Girdhar Gopal

....Petitioner

Versus

Shakti Bala

....Respondent

And

CR No.2535 of 2016

Shakti Bala

....Petitioner

Versus

Girdhar Gopal

....Respondent

Date of Order: 23.4.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sahil Soi, Advocate for
Mr.S.P. Soi, Advocate for the petitioner
in CR No.354 of 2016.
for the respondent in CR No.2535 of 2016.

Mr. H.S. Oberoi, Advocate for the petitioner in
CR No.2535 of 2016.
for the respondent in CR No.354 of 2016.

AMIT RAWAL, J (ORAL)

This common order of mine shall dispose of aforesaid two
revision petitions since common questions of law and facts are involved in
the same.

In revision petition bearing CR No.354 of 2016, the petitioner-
husband has impugned the order dated 26.11.2015 passed by learned Addl.
District Judge, Chandigarh whereby a sum of Rs.3000/- per month to each
child totalling Rs.6000/- per month besides litigation expenses of
Rs.12,000/- has been ordered to be paid to the respondent-wife as

maintenance whereas in another revision petition bearing CR No.2535 of 2016, the wife has prayed for enhancement of interim maintenance by modifying the impugned order dated 26.11.2015.

It is apparent from the previous order that this Court had undertaken an exercise of interacting with the minors. It is also evident from the order dated 4.12.2017 of the Family Court, Chandigarh that one of the sons namely Sahil Sharma, who is present in the Court, stated that he attained the age of majority in August 2017 and expressed his desire to live with his father and not with the mother. It has also been brought to the notice of this Court that in divorce petition, the wife had already been proceeded ex parte.

Learned counsel appearing for the petitioner-husband, on instructions from his client, submitted that the petitioner constructed his house bearing No.3635 in Patiala in which the wife is living and getting rent for the first as well as second floor. She is also doing job in Social Welfare Department and is drawing more salary than the husband and that there is no scope for enhancement of the maintenance since the husband has also to take care of his major son, who is studying in twelfth class. He pointed out that the elder son of the parties has been thrown out of the home by wife of the petitioner.

On the other hand, it is the case of the wife that the amount of compensation awarded qua interim maintenance is on the lower side and not according to the status of the husband, who is serving in Life Insurance Corporation of India and is drawing a salary of Rs.27,516/-, therefore it should be enhanced.

Heard.

No doubt, petitioner had raised a plea that his wife is in a position to maintain herself. However, at this stage, the husband has not been able to bring on record any proof with regard to vocation and job of the wife. Moreover, the husband himself is drawing handsome salary and the interim maintenance of Rs.3000/- as awarded by the court below is not in accordance with the status of the husband. The amount of interim maintenance is however subject to the final adjudication of the respective rights of the parties at the appropriate stage.

Resultantly, the present revision filed by the husband is dismissed whereas the revision petition preferred by the wife is partly accepted and the amount of interim maintenance is modified by enhancing from Rs.3000/- to Rs.5000/- per month, which shall be effective from the date of passing of this order. It is made clear that the enhanced amount of interim maintenance of Rs.5000/- is payable only to one child. The husband is directed to clear the arrears at the old rate and continue to pay the interim maintenance during the pendency of the divorce petition. However, it is made clear that the payment qua interim maintenance can be adjusted in case some relevant material with regard to vocation and income of the wife is produced showing the same to be higher than the husband.

April 23, 2018
manoj

^(AMIT RAWAL)
JUDGE

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