

In the High Court of Punjab and Haryana at Chandigarh

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Civil Revision No.3372 of 2018

.....

Date of decision:21.5.2018

Mohinderpal Singh

.....Petitioner

v.

Gurpreet Kaur

.....Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Kartar Singh, Advocate for the petitioner.

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Inderjit Singh, J.

This civil revision petition has been filed under Article 227 of the Constitution of India read with Section 151 CPC for setting aside the impugned order dated 5.3.2018 (Annexure-P.4) passed by the learned District Judge, Fatehgarh Sahib, whereby he has granted interim maintenance to respondent @ ₹5,000/- per month, as excessive from the date of application, being illegal, arbitrary in view of the facts and circumstances of the present case.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that Mohinderpal Singh-petitioner filed a petition under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'HMA') for dissolution of marriage of parties by way of

passing a decree of divorce. During the pendency of the petition, an application under Section 24 of the HMA was filed by Gurpreet Kaur-wife (hereinafter referred to as 'the applicant'). It has been averred in the application by the applicant that she is legally wedded wife of respondent/petitioner-Mohinder Pal Singh (hereinafter referred to as 'the respondent'). Their marriage was solemnized on 16.10.2015 by way of Sikh rites and ceremonies and one daughter Gurmehar Kaur was born out of their wedlock. It has also been stated in the application that sufficient dowry was given but the respondent and his family were not satisfied with the dowry. It is also the case of the applicant that she was turned out of the matrimonial home and deserted her without any reason and cause. It has been stated that the respondent is an able bodied person and is doing the work of property dealing. He is also doing the work of sale and purchase of old cars and earns more than ₹50,000/- per month whereas the applicant has no source of income nor she is in a position to maintain herself. It has been claimed in the application that she be given ₹10,000/- per month as maintenance pendente lite and ₹20,000/- as litigation expenses.

The respondent (petitioner herein) contested the application by submitting that from the very beginning of their marriage, the applicant told him that her marriage has been solemnized against her wishes. He also stated that a female child Gurmehar Kaur was born and all the expenditure was born by him. He also stated that the applicant is a short tempered lady. She used to pick-up quarrel with him and his mother on trifle matters. She also used to insult, maltreat him and his family members. He also stated that on the occasion of marriage of her brother, she went to her parental

house at Majattri and thereafter did not return. He also submitted that the applicant owns movable and immovable property apart from cash and golden ornaments. On the other hand, he submitted that he is idle and has no source of income and is residing at the mercy of his mother.

After considering these pleas, the learned District Judge, Fatehgarh Sahib vide impugned order dated 5.3.2018 granted ₹10,000/- as litigation charges and ₹5,000/- per month as maintenance pendente lite. Aggrieved from this order, the present petitioner Mohinderpal Singh has filed this petition.

I have gone through the impugned order. From the record, I find that marriage between the parties is an admitted fact. The birth of daughter is also admitted fact. There is no document on the record to show any source of income of the applicant or that the applicant can maintain herself from any source of income.

On the other hand, the respondent (petitioner herein), who is an able bodied person, as argued, has come from Australia and is concealing his income. He is not disclosing his income, rather, he is saying that he is an idle person and living at the mercy of his mother. This version of the respondent cannot be believed which further shows that he is not disclosing his income and concealing the same.

Therefore, in the facts and circumstances of the present case, the interim maintenance @ ₹5,000/- per month and ₹10,000/- as litigation expenses granted by the learned District Judge cannot be held as excessive. The order passed by the learned District Judge is correct as per evidence and law. No illegality has been committed by the learned District Judge.

[4]

Therefore, finding no merit in the present civil revision petition, the same is dismissed.

May 21, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No