IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3774-2017 (O&M)
Date of decision : 5.2.2018

Sandeep Singh Dhillon .... **Petitioner**

Versus

Anupreet Kular .... **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sunil Chadha, Sr. Advocate with
Mr. Sharad Mehra, Advocate for the petitioner.

Mr. J.S. Mehnidaratta, Advocate for respondent.

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 ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 11.4.2017 (Annexure P-1), passed by learned Additional District Judge, Ludhiana vide which while deciding the application filed by respondent-wife under Section 24 of the Hindu Marriage Act, 1955, during the pendency of divorce petition, maintenance pendente lite @ ₹ 33,000/- per month to the respondent-wife was allowed in addition to ₹ 15,000/- as litigation expenses.

I have heard learned counsel for both the parties and perused the case file.

The admitted position is that parties were married on 28.11.2009 at Ludhiana. No child was born out of the wedlock. Petitioner-husband is employed with Oil and Natural Gas Corporation Ltd., Mumbai. As per the salary certificate produced before this Court but not produced before the trial Court, the total income is little more than ₹ 1.00 lac. However, after deductions the carry home salary is approximately ₹ 53,000/-. Learned counsel for the petitioner has argued that petitioner is deaf and having speech impairment.

Learned trial Court has taken the view that previously respondent-wife was working as a Lecturer but now she is out of job and cannot maintain herself, therefore, 1/3rd of the salary of the petitioner was allowed as maintenance.

Learned counsel for the petitioner has taken this Court to the income tax returns of respondent-wife for the year 2015-2016 and 2016-2017 which show that she has shown the income of little more than ₹ 2,60,000/- per annum. The income shown in the last return for the year 2016-017 is ₹ 2,66,030/- comes to little over ₹ 22,000/- per month.

On behalf of the respondent-wife, it is stated that the she was getting certain dividends. Now she has sold the shares and she now is without any income. Her profile Annexure P-5 is not denied by learned counsel for respondent which shows that respondent is M. Phil. She is otherwise post graduate in English. It is also not denied that the father of respondent-wife is running an English Student Centre which is for private coaching.

The allegations leveled on behalf of petitioner-husband are that respondent-wife is the Director as well as the faculty of the said centre and is having sufficient income. However, there is nothing on the record to support such averments.

Considering the entirety of the circumstances; carry home salary of the petitioner; the fact that respondent is highly qualified and has the capacity to earn the maintenance awarded of ₹ 33,000/- per month is considered to be excessive. Considering that as per the last two income tax returns of the respondent i.e. for the year 2016-2017 and 2017-2018, she has the monthly income of little more than ₹ 22,000/-, I am of the view that while living in industrial town of Ludhiana, she can maintain herself with the total income of ₹ 40,000/-. In these circumstances, ₹ 18,000/- per month maintenance will meet the ends of justice. The revision petition is party allowed. The interim maintenance is reduced from ₹ 33,000/- to ₹ 18,000/- per month whereas the litigation expenses are maintained.

Revision is partly allowed.

(KULDIP SINGH)
JUDGE

5.2.2018
preeti

Whether speaking / reasoned Yes
Whether Reportable: No