

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 4715-2016 (O&M)
Date of decision: 19.02.2018

Gurpreet Singh

.....Petitioner

versus

Gurdeep Kaur

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Jasbir Singh, Advocate for the petitioner
Ms.Saroj Bala, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 27.5.2016, passed by learned Additional District Judge, Chandigarh, vide which, pending the disposal of the divorce petition, the Court, while deciding an application filed under Section 24 of Hindu Marriage Act, 1955, granted interim maintenance of Rs.15,000/- per month i.e. Rs.10,000/- per month to the wife and Rs.5,000/- per month for upbringing of the minor child. Litigation expenses of Rs.10,000/- were also granted.

I have heard learned counsel for both the parties and have also carefully gone through the file.

It is claimed in the application that the respondent wife is house wife and not doing anything. Petitioner husband is having agricultural land at village Gajja Khera, PO Manakpur Khera, Tehsil Rajpura, District Patiala. He is also having buffaloes and sells milk. The trial Court, after

considering the facts and circumstances, fixed the maintenance.

As per averments the minor child of the parties is studying in 3rd class in Ashiana Public School, Sector 46, Chandigarh. Therefore, Rs.5,000/- per month for a child studying in a public school at Chandigarh cannot be called excessive.

So far as wife is concerned, the petitioner has some land and it is claimed that it is only 2 kanals 10 marlas. However, in any case, husband is a able-bodied person and is supposed to earn livelihood. The Court has to strike a balance between income of the husband and needs of his wife. The wife is now living at Chandigarh. Therefore, Rs.10,000/- per month cannot be called excessive.

No ground to interfere in the impugned order. The present revision petition stands dismissed accordingly. However, since, it is matrimonial dispute, learned Additional Sessions Judge, Chandigarh is directed to refer the matter to the Mediation and Conciliation Centre, Chandigarh, for making efforts for compromise. It is stated that the main divorce petition was dismissed in default and an application for restoration of the same is pending. The husband is also directed to immediately pay the amount of interim maintenance fixed by the trial Court.

19.02.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No