IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.5026 of 2016 (O&M)
Date of decision : 14.03.2018

Neelam Kapoor @ Neelam Chhabra

...Petitioner

Versus

Dharminder Kapoor

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Rishma Verma, Advocate for the petitioner.

Mr. Naveen Sharma, Advocate for the respondent.

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ANIL KSHETARPAL, J. (ORAL)

Wife-petitioner is in the revision petition against the order fixing the maintenance pendente lite at ₹2000/- per month.

Learned counsel for the petitioner has drawn the attention of the Court to the Income Tax Assessment record submitted by the husband. For the assessment year 2014-15, his income is shown as ₹4,76,809/-. For the assessment year 2015-16, his income is shown as ₹4,60,298/-. Husband-respondent has himself placed on file the Income Tax Return Verification Form for the assessment year 2017-18, wherein his income is shown as ₹4,38,797/-. So, it can be safely assumed that for the last 5-6 years, the husband is, as per the Income Tax Return, earning ₹40,000/- per month.

Learned counsel for the respondent-husband has argued that the husband has a daughter from a prior marriage who is studying in a Boarding

School where the expenses are heavy. Learned counsel has argued that during the last year, he has spent ₹2,60,000/- on the child.

In the considered opinion of this Court, this fact itself proves that the husband enjoys good status and is financially capable of earning sufficient amount. If the husband can spent more than ₹2,50,000/- on the study of the child, he can very well pay the reasonable maintenance to the wife also .

Learned trial Court has overlooked all these documents, although, the returns for the year 2014-15 and 2015-16 were on the file.

Taking into consideration the aforesaid facts, the order under revision is modified. The maintenance pendente lite is determined at ₹20,000/- per month. The amount shall be payable from the date of the application, till the decision of the case.

Revision petition is allowed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

14.03.2018 **(ANIL KSHETARPAL)**
Pawan **JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**