

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-4783-2017 (O&M)

Date of decision : 26.2.2018

Sandeep Sandal

..... Petitioner

Versus

Sandeep Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

Respondent-wife in person.

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 6.4.2017 (Annexure P-4), passed by learned Additional District Judge, Jalandhar, vide which in an application filed by respondent-wife under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act') in a divorce petition filed by petitioner-husband under Section 13 of the Act, an amount of ₹ 12,000/- per month was ordered to be paid as maintenance pendente lite to respondent-wife from the date of application and ₹ 10,000/- as litigation expenses were also allowed.

The short facts which are required to be noticed are that the marriage of the parties was solemnized on 14.2.2015. After the marriage wife-respondent was not taken to Italy. Petitioner-husband is settled in Italy and stated to be earning his livelihood there. The divorce petition under Section 13 of the Act was filed in January 2017.

The trial Court has taken the view that as per the internet information, income of a labourer in Italy is more than 2000/- Euros per month. Therefore, considering the boarding, lodging and traveling expenses and medicines etc. of husband, it is observed that husband is in a position to save atleast 400/- Euros per month, therefore, ₹ 12,000/- per month was allowed.

Learned counsel for the petitioner has argued that as per the certificate dated 28.4.2017 (Annexure P-5), petitioner is unemployed.

It comes out that the impugned order was passed on 6.4.2017 and subsequently, the certificate was obtained on 28.4.2017 by filing a self declaration before the authorities, wherein, the status is given to be as an unmarried which is a criminal offence in Italy, as per the declaration itself.

It goes to show that after an adverse order was passed by the Court, present petitioner in order to avoid the payment of maintenance, temporarily got himself unemployed whereas it is not a case that before the said date, he was unemployed. The value of Euro is around ₹ 80 nowadays, therefore, ₹12,000/- comes equal to 150 Euros, which the petitioner-husband can easily pay. Otherwise, petitioner is able bodied person and even if he is unemployed, he can earn his livelihood and maintain his wife.

In view of above, no ground to interfere in the order dated 6.4.2017, (Annexure P-4), passed by learned Additional District Judge, Jalandhar is made out.

Dismissed.

At this stage, learned counsel for the petitioner submits that matter may be referred to Mediation and Conciliation Centre of this Court.

I am of the view that since both the parties belong to Jalandhar, it will be appropriate that trial Court should refer the case to the Mediation and Conciliation Centre, Jalandhar.

(KULDIP SINGH)
JUDGE

26.2.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No