

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

CR No.4823 of 2018

Date of Decision : 31.07.2018

Sandeep Kumar

....Petitioner

VERSUS

Sonia

...Respondent

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Surender Saini, Advocate for the petitioner.

B.S. WALIA, JUDGE (ORAL)

1. Challenge is to order dated 21.05.2018 passed by the learned District Judge (Family Court), Sonapat awarding ₹10,000/- as maintenance pendente lite to the respondent-wife and her minor daughter.

2. Learned counsel contends that the petitioner, who is a Constable in the CRPF, had purchased two houses in the name of the respondent-wife who was residing in one house while from the other house she was receiving rent of ₹15,000/- per month, consequentially she has adequate means of sustenance, therefore, the order passed by the learned District Judge (Family Court), Sonapat awarding interim maintenance of ₹10,000/- to the respondent-wife and minor child is legally unsustainable. Learned counsel refers to paragraph Nos.5 and 6 of the petition under Section 13 of the Hindu Marriage Act, 1955 as also the reply filed in respect thereto by the respondent in support of his submission.

3. I have considered the submission of learned counsel but am unable to agree with the same.

4. Perusal of the reply filed by the respondent to the petition for divorce reveals the stand that although the petitioner had purchased a plot at Bahadurgarh and had taken a huge loan from the Bank for constructing a house on the said plot, yet only one room was constructed by the petitioner and except for the money spent for constructing the single room, balance loan was spent by the petitioner on his personal works.

5. Respondent-wife has also stated in paragraph No. 6 of the reply that the petitioner never purchased any plot in her name and it was wrong that she was receiving ₹15,000/- as rent.

6. The learned District Judge (Family Court), Sonapat passed the impugned order granting ₹10,000/- per month as maintenance pendente lite in favour of the respondent wife and her minor child with effect from the date of filing of the application in the background of there being no authentic proof regarding the rental income of the respondent and keeping in view the status of the parties.

7. The petitioner is drawing salary of ₹36,054/- per month. Even if it is presumed that the respondent-wife is staying in the one room constructed on the plot purchased by the petitioner, the fact remains that the respondent needs money to sustain not only for herself but also for her minor daughter.

8. In the light of the position as noted above, I do not find any ground whatsoever warranting interference with the well reasoned findings recorded by the learned District Judge (Family Court), Sonapat especially in view of the fact that the petitioner is getting salary of ₹36,054/- per month.

9. Accordingly, finding no merit in the revision petition, the same is dismissed in limine.

July 31, 2018
ps

(B.S. WALIA)
JUDGE

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