

In the High Court of Punjab and Haryana at Chandigarh

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(1) Civil Revision No.6168 of 2017 (O&M)

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Date of decision:22.5.2018

Suman Lata

.....Petitioner

v.

Narinder Kumar Sharma

.....Respondent

....

(2) Civil Revision No.7672 of 2017 (O&M)

.....

Date of decision:22.5.2018

Narinder Kumar Sharma

.....Petitioner

v.

Suman Lata

.....Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Naveen Kaushik, Advocate for the petitioner in C.R. No.6168 of 2017 and for the respondent in C.R. No.7672 of 2017.

Mr. Brij Mohan, Advocate for the petitioner in C.R. No.7672 and for the respondent No.6168 of 2017.

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Inderjit Singh, J.

This order will decide the above mentioned two civil revision petitions which have been filed by both the parties against each other under Article 227 of the Constitution of India for setting aside the impugned order dated 31.5.2017 (Annexure-P.1) passed by the learned Additional District Judge, Amritsar, whereby the applications filed under Section 24 of the HMA against each other have been dismissed.

Notice of motion has been issued in these cases.

Learned counsel for both the parties have put in appearance and contested their respective claims in these civil revision petitions.

I have heard learned counsel for the parties and have gone through the record.

A perusal of the record shows that Narinder Kumar Sharma filed petition against Suman Lata under Section 13 of the HMA for dissolution of marriage by a decree of divorce.

During the pendency the petition, both husband-Narinder Kumar Sharma and wife-Suman Lata filed separate applications under Section 24 of the HMA against each other for grant of maintenance.

The learned Additional District Judge, Amritsar, after hearing the learned counsel for the parties dismissed both the applications. Aggrieved from this order dated 31.5.2017, both the parties have filed the present revision petitions against each other.

A perusal of the record shows that marriage between the parties is admitted fact. It is also admitted fact that both Narinder Kumar Sharma as well as Suman Lata have retired from the service. Suman Lata was stated to be Principal of Mata Sundari University College, Mansa and retired from there. As per discussion of the learned Additional District Judge, Amritsar, she can be reappointed as per notification dated 18.5.2011 of Guru Nanak Dev University after retirement till age of 65 years on contract basis and she can be reappointed in B.Ed. College till age of 70 years. Secondly, the Court below held that Suman Lata has filed Income-tax Return showing the income of ₹5,27,705/- for the year 2016-17 and has paid income-tax of

₹52,810/-. Though learned counsel for Suman Lata has argued that this money was sent from USA by her son and she has to pay back the money to her son for his needs but the learned Court below has found that the son is major one aged 32 years and this money has been sent by him to his mother. If the money is required by the son then as to why he will send the same to his mother. Moreover, Suman Lata has paid income-tax of ₹52,810/-. Therefore, in these circumstances the learned Additional District Judge, Amritsar, vide impugned order dated 31.5.2017 dismissed the application filed by Suman Lata holding that she is not required maintenance and can maintain herself.

As regards Narinder Kumar Sharma, it has been admitted at the time of arguments that he has retired as Professor and has received Rs.35 Lakhs as pensionary and retiral benefits. Now the loan instalments of the house are also complete. Keeping in view the above facts, it cannot be held that he is unable to maintain himself.

Keeping in view the above facts, I find that in both these petitions the impugned order dated 31.5.2017 passed by learned Additional District Judge, Amritsar, is correct as per law which does not require any interference from this Court and the same is upheld.

Finding no merit in the civil revision petitions, the same are dismissed.

May 22, 2018.

(Inderjit Singh)
Judge

hsp

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