

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8659 of 2016 (O&M)

Date of decision: 30.4.2018

Nitin Garg

....Petitioner

Versus

Shruti

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.Rajiv Dhawan, Advocate for
Mr.M.K.Garg, Advocate for the petitioner.

Mr.Rajeev Dhawan, Advocate for the respondent.

KULDIP SINGH, J. (Oral)

Impugned in the present revision petition is order dated 20.10.2016 passed by learned Addl.District Judge, Panipat whereby in a pending disposal of the petition under Section 13 of the Hindu Marriage Act, 1955, learned Additional District Judge, Panipat while deciding the application under Section 24 of Hindu Marriage Act, 1955 granted maintenance pendente lite @ Rs.20,000/- p.m. to the wife-respondent and Rs.11,000/- as litigation expenses.

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

It comes out that respondent-wife is living at Panipat. Parties have a female child who is now 8 years old and stated to be studying in Ist standard. The trial Court has recorded that respondent is having a factory at Kala Amb (Himachal Pradesh) and has also succeeded property of his father. Before this Court an additional affidavit was filed regarding the

status of the properties. Petitioner has denied the property mentioned at Serial No.7 and 9, however, some of the properties are in the name of his mother and some are in the name of his late father which have been succeeded by him. The petitioner is present in the Court. He has admitted that he is running a soda water factory from which he is earning money Rs.40,000/- to 50,000/- p.m.

Learned counsel for the petitioner has placed copy of the order dated 23.10.2017 passed by learned Additional Chief Judicial Magistrate, Panipat showing that maintenance @ Rs.25,000/- was awarded to the wife and child and the order was upheld in appeal. It being so and considering the fact that respondent-wife has to maintain the child and spend on her education, clothing and food, it can be safely assumed that wife has to spend Rs.10,000/- on the child, therefore, she has left with Rs.10,000/- for maintaining herself which cannot be called excessive. Considering that maintenance of Rs.25,000/- has already been affirmed in proceedings under Section 125 Cr.P.C. it being so, there is no merit in the revision petition and the same is accordingly dismissed. However, the petitioner shall be entitled for adjustment of the maintenance granted in this case and in the maintenance payable under Section 125 Cr.P.C.

(KULDIP SINGH)
JUDGE

30.4.2018
Meenu

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