

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-28391 of 2016
Date of Decision: 14.8.2018**

Harmanjit Singh

.....Petitioner

Versus

Amandeep Kaur

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Petitioner in person along with
 Ms. Jigyasa Tanwar, Advocate
 for the petitioner.

Respondent in person along with
Mr. Vaibhav Sehgal, Advocate.

ANITA CHAUDHRY, J

The petitioner is seeking quashing of order dated 3.5.2016 vide which interim maintenance of Rs. 10,000/- per month had been allowed to the respondent. He also assails order dated 25.7.2016 as his revision was dismissed.

Counsel for the petitioner contends that the Court below observed that the petitioner owned 12 acres of land and on an assumed income, maintenance of Rs. 10,000/- per month has been awarded. He urges that the parties were married in January 2014 and there is no child from the marriage and they had separated in 2015. Counsel also submits that the petitioner owns less than 8 acres of land and they have placed the income tax returns of 2014-15 of the respondent which show that

she was also earning and is a post graduate and, B.Ed and highly educated.

The submission on the other hand is that the petitioner was running a dance academy and the respondent was not earning and the income tax return which has been referred to was filed by the petitioner to avoid tax and she is not working. It was urged that the father of the petitioner has died and the entire land had devolved upon the son though in the revenue record the name of petitioner's mother also figures as co-owner.

The Court below has ordered interim maintenance on the assertion that the husband owned 12 acres of land and it was easy to earn Rs. 3.5 lacs per annum after the property is leased out. The property has not been leased. The petitioner asserts that he does not own 12 acres of land and he owns 8 acres of land and if proportionately income is calculated after taking the annual income to be Rs. 3.5 lacs from 12 acres, the assumed income would be much lesser. It was also urged that there is no monthly income as the crops are sown twice a year and it is difficult for him to pay the amount and he is not running a dance academy.

The respondent was not able to even give the name of the dance academy or the address where it was being run. The jamabandi placed on record show that the petitioner owns 8 acres of land. The trial Court assumed that the land owned was 12 acres whereas some part was in the name of the mother. It also assumed that there was admission regarding the dance academy when there was none. Therefore, interim maintenance has to be proportionately reduced. I would allow interim maintenance at Rs. 7,000/- per month. The petition is partly allowed.

Nothing contained herein would have a bearing on the merits

and the Court would decide on the basis of evidence to be led by the parties.

**(ANITA CHAUDHRY)
JUDGE**

August 14, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No