

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

**Crl. Revision No. 1821 of 2018 (O&M)
Date of decision : 26.07.2018**

Naresh Mehendiratta

..... Petitioners

versus

Nisha @ Vijay Mehendiratta

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

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ANITA CHAUDHRY, J

This revision is directed against the interim maintenance allowed to the respondent.

I have heard the counsel for the petitioner.

On the last date the counsel for the petitioner was asked to take instructions with respect to the business concern mentioned in para 2 of the impugned order. Counsel for the petitioner states that the GST number was surrendered as it was a proprietorship concern which has closed down. The counsel has placed on record the order of cancellation of registration dated 22.06.2018. It also shows that the application was submitted on 19.04.2018.

A complaint under the Domestic Violence Act was filed and the applicant before the lower Court had pleaded that the husband was running a business and was earning Rs.60,000/- per month. The respondent claimed that he had no regular source of income and was just earning Rs.6,000/- per month and was maintaining both his children who were school going. The Judicial Magistrate Ist Class allowed Rs.5,000/- per month to the wife.

Aggrieved by the order an appeal was preferred. The Additional Sessions Judge noted that the respondent was duty bound to specifically respond to the pleadings regarding the business in the name and style of 'M/s. Ishu Wiring Hornes' and his partnership with Rajeev Chauhan. It also noted that the husband had concealed facts and he could not maintain his two school going children in a income of Rs.6,000/-.

No affidavit or any other document has been placed on record to show that the concern 'M/s. Ishu Wiring Hornes' has been closed down or that the petitioner was not a partner with Rajeev Chauhan. The document placed on record today only shows that the GST registration had been cancelled on the request of the petitioner. This letter does not disclose whether it pertains to concern in which the petitioner was a proprietor or partner. The request for cancellation had been given after the appeal filed by the petitioner was dismissed. No case for modification is made out. The revision is dismissed in limine.

July 26, 2018

sunil

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No