

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

122

CRR(F)-448-2018

Date of Decision: September 05 , 2018

Sarita Lamba and anr.

.....Petitioner(s)

versus

Sudarshan Gothwal

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr.Balraj Gujjar, Advocate for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioner No.1 is the estranged wife of respondent and therefore, she has filed an application under section 125 Cr.P.C. for maintenance. Vide impugned order dated 10.08.2018, District Judge, Family Court, Bhiwani, has passed an interim order for maintenance. By this order, petitioner No.1 has been granted Rs.7,000/- per month and petitioner No.2 (minor daughter) has been granted Rs.3,000/- per month.

Learned counsel for the petitioners states that the respondent is an Income Tax Officer and his salary is in the vicinity of Rs.50,000/- per month, whereas the learned trial Court has taken his salary as Rs.20,000/- per month.

The contention of learned counsel for the petitioners cannot be taken into consideration at this stage because vide impugned order, only interim maintenance has been fixed. There was no evidence before the learned District Judge, Family Court, so as to enable it to make an accurate determination. After evidence is led by both the parties, a final determination will be made by the Family Court and in the interregnum the impugned order will govern the relations between the parties. There is no error in the order which has been passed on the basis of *prima facie* case and the admitted income of the respondent.

In view of the above, the present petition has no merit and is accordingly dismissed.

September 05, 2018
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**[SUDHIR MITTAL]
JUDGE**

Whether speaking/reasoned : Yes
Whether Reportable : No