IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 30.04.2019

1. CR No.198 of 2019(O&M)

Mehak Pahwa ....Petitioner
Versus
Umesh Pahwa ...Respondent

2. CR No.1903 of 2019(O&M)

Umesh Pahwa ....Petitioner
Versus
Mehak Pahwa and another ...Respondent(s)

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Rahul Sharma, Advocate
for the petitioner in CR No.198 of 2019 and
for the respondent in CR No.1903 of 2019.

Mr. Sourabh Goel, Advocate
for the petitioner in CR No.1903 of 2019 and
for the respondent in 198 of 2019.

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RAJ MOHAN SINGH, J.(Oral)

[1]. Notice of motion in CR No.1903 of 2019. Mr. Rahul Sharma, Advocate accepts notice on behalf of the respondent.

[2]. Vide this common order, CR No.198 of 2019 titled Mehak Pahwa Vs. Umesh Pahwa and CR No.1903 of 2019 titled Umesh Pahwa Vs. Mehak Pahwa are being disposed of. Facts are being noticed from CR No.198 of 2019.

[3]. Financial status of the parties is not in dispute. Trial Court granted an amount of Rs.16,000/- towards maintenance for the petitioner and minor daughter aged 9 years. In reply to the application under Section 24 of the Hindu Marriage act, respondent took preliminary objection in para No.4 to the following effect:-

> *"4. That the answering respondent Umesh Pahwa is not having any source of income earlier he was working as a labourer, but due to slump in the market since last more than about 2.1/2 years, he is not having any job/work. Due to all these circumstances, the petitioner left the company of the answering respondent and earlier she committed cruelty and harassed the answering respondent also. On the other hand, petitioner is having good source of income and she is earning handsome income about Rs.1,50,000/- per month and she is an independent. So, no ground is made out to allow this application which is falsely moved by the petitioner against the respondent. Hence, the present application deserves dismissal and same be dismissed with heavy costs."*

[4]. Petitioner has relied upon balance-sheet of the sole proprietorship belonging to the respondent showing the amount to the tune of Rs.5,60,04,869.57 towards total sale. The gross profit was shown to be Rs.25,20,219.13 per annum.

[5]. As against this, learned counsel for the respondent stated that in fact profit was only Rs.7,55,897.69 according to

profit and loss account from where the entry towards gross profit was taken by the petitioner. Learned counsel also pointed out that the petitioner wife was income tax assessee even prior to the marriage.

[6]. Account statement dated 22.04.2008 also shows that an amount of Rs.1 lac was transferred to RDP and similarly an amount of Rs.40,000/- was also debited in the month of December 2011. FIR was registered in the year 2016 and after separation of the parties in the year 2017, wife stopped filing income tax returns.

[7]. At this stage, no firm finding on the basis of proposed evidence can be recorded, but still prima facie consideration on the basis of financial status can be taken into consideration.

[8]. Grant of maintenance pendente lite is not aimed to enrich any of the spouse, rather the same is made to prevent the destitution and vagrancies. Petitioner wife is entitled to live as per status of her husband.

[9]. From the facts and circumstances of the case, I am of the view that the petitioner wife is entitled for enhancement of maintenance from Rs.16,000/- to Rs.25,000/- per month. The aforesaid amount would suffice to serve the purpose of maintenance of the wife as well as the minor daughter aged 9 years. It is the moral obligation of the respondent to maintain his

minor daughter. Since the minor daughter is in custody of the petitioner, therefore, the aforesaid amount would suffice to serve the purpose of the petitioner.

[10]. In view of aforesaid, impugned order is modified. Revision petitions are accordingly disposed of. Respondent shall pay the enhanced amount from the date of filing of the application. Respondent shall deposit the arrears of maintenance within a period of three months from the date of receipt of certified copy of this order.

30.04.2019 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether reasoned/speaking **Yes/No**
Whether reportable **Yes/No**