

CR-3993-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3993-2018 (O&M)

Date of decision : 23.01.2019

Paramjit Singh

... Petitioner

Versus

Baljinder Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order, whereby in a divorce petition filed by the petitioner at the age of 50 years, seeking divorce against the respondent-wife, an application under Section 24 of the Hindu Marriage Act, claiming *ad interim* maintenance has been allowed by awarding the maintenance @ ₹6,000/- and ₹4,000/- per month to the wife and child, respectively.

Learned counsel for the petitioner submitted that owing to the temperamental difference, the petitioner was constrained to take such drastic steps, though there is one daughter, who had been married. The respondent-wife has already filed the petition under Section 125 of the Criminal Procedure Code, where maintenance of ₹9,000/- has been awarded, which is being regularly paid. The petitioner is earning ₹30,000/- and residing in a rented accommodation, whereas the respondent-wife along with child is

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residing in the house owned by him. In such circumstances, the amount of maintenance is exorbitant.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Lucky. The trial Court has already held that any maintenance amount received by the respondent-wife under Section 125 Cr.P.C. or Domestic Violence Act or in any proceedings, shall be considered as valid discharge against the maintenance amount awarded by the Court. The only thing is that the son is awarded maintenance @ ₹4000/- per month under Section 24 of the Hindu Marriage Act, whereas in the proceedings under Section 125 Cr.P.C., awarded ₹3,000/- per month. Concededly, the petitioner has retired as Class-I Officer, hence, the maintenance has to be paid as per the status of the parties not as per income, thus, the impugned order, under challenge, cannot be said be suffering from illegality and infirmity. No ground is made out for interference. Accordingly, the present revision petition is dismissed.

23.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**