

102

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

**CR No.534 of 2017
Date of Decision : 21.01.2019**

Narinder Singh

..... Petitioner

versus

Rajwant Kaur

..... Respondent

CR No.935 of 2017 (O&M)

Rajwant Kaur

..... Petitioner

versus

Narinder Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Veneet Sharma, Advocate
for the petitioner (in CR No.534 of 2017) and
for the respondent (in CR No.935 of 2017).

Mr. Atul Lakhanpal, Senior Advocate with
Mr. R. S. Chahal, Advocate
for the respondent (in CR No.534 of 2017) and
for the petitioner (in CR No.935 of 2017).

SUDIP AHLUWALIA, J. (ORAL)

These are two revision petitions preferred against the impugned order passed by the Ld. District Judge, Tarn Taran in HMA case bearing No.HMA/147/2016 on 22.11.2016, vide which two applications filed by the contesting sides, who are spouses *inter se* and had sought maintenance *pendente lite* against each other during the pendency of the said main application, were disposed off.

2. The existence of marital relationship between the parties is not in dispute. It is also admitted that the wife-Rajwant Kaur is in gainful employment as a Mathematics Teacher in the Govt. Senior Secondary School for Girls at Kot Baba Deep Singh and drawing her salary at the prescribed rates. On the other hand, the husband-Narinder Singh claimed to be totally unemployed and, therefore, sought maintenance for himself during the pendency of the Divorce Petition also filed by him. Admittedly, the couple have a son out of their wedlock, namely Jobanpreet Singh, who is stated to be physically handicapped to the extent of 50% and therefore, requires special treatment.

3. From the side of the wife-Rajwant Kaur, it was specifically denied that her husband Narinder Singh is unemployed as alleged by him. On the other hand, it was contended that he is actually working as a Principal in the "Baba Sidhana Public School, Sheron, Tarn Taran", and had income from various other sources as well.

4. Both sides had placed documents in support of their respective claims *qua* the husband's employment/occupation and income. It was shown from the side of the wife that the husband's father Sh. Gulzar Singh happens to be the Chairman of the aforesaid School, and that in his capacity as a member, the husband himself had signed on various resolutions. On the other hand, the husband's side had placed on record documents to indicate that the name of the actual Principal of the School is Chanan Singh and that he himself at no point of time got to work as the Principal. It has also been explained on his behalf that he

was on the Managing Committee as an Honorary Member without any remuneration.

5. The Ld. Court below nevertheless awarded maintenance in favour of the wife, who is in custody of the disabled child namely Jobanpreet Singh, born out of the wedlock after holding *inter alia* that even assuming that the husband-father had no income as claimed by him, still by working as a labourer being an able bodied person under an obligation to maintain his disabled son, could not be permitted to avoid his liability towards his handicapped child, who is under care and custody of his mother.

6. This Court finds no impropriety or perversity in the view taken by the Ld. District Judge, Tarn Taran. Even otherwise it is hard to accept that the wife Rajwant Kaur, who admittedly is a Teacher by profession in a Government School, would have voluntarily gone in for her matrimonial alliance with a person declaring himself to be altogether unemployed.

7. For the aforesaid reasons, no grounds are made out to interfere with the impugned order passed by the Ld. District Judge, Tarn Taran, which is, accordingly, affirmed. Consequently, both revision petitions are hereby dismissed.

8. On submission of Ld. Counsel for the petitioner-husband in **CR No.534 of 2017**, however, it is also put on record that he shall be at liberty to seek any modification in the maintenance awarded against him in the case pending before the Ld. District Judge, Tarn Taran or any other

case involving the parties, if he can show that his son Jobanpreet Singh, who otherwise has attained the age of majority, no longer suffers from any physically disability, as already mentioned.

January 21, 2019
rittu

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No