

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5578 of 2018

Date of Decision: 17.05.2019

Smt. Renu and others

.....Petitioners

Vs.

Anup Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. S.K. Yadav, Advocate,
for the petitioners.

Mr. J.P. Sharma, Advocate,
for the respondent.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioners challenge the order of the learned Civil Judge (Senior Division), Mahendergarh, dated 23.02.2016, by which the interim maintenance awarded to the petitioners under the provisions of the Hindu Adoption and Maintenance, Act, 1956, is contended by them to be very low.

Pursuant to the order passed on 30.04.2019, Mr. Brar, learned Addl. A.G., Haryana, has filed in Court today an affidavit of Sh. Shashank Kumar Sawan, Deputy Commissioner of Police, Headquarters, Gurugram, dated 13/14/05.2019, stating therein that the respondent has already been allotted Government accommodation since 03.08.2017 and that he is residing therein.

Learned counsel for the respondent, on the other hand submits that though the said accommodation (Government Quarter no. 04 of Police Station, Sector 10-A, Gurugram), has been allotted to the respondent, he is not residing

there as it is not in a livable condition.

It is to be noticed that one of the grounds taken by the respondent before this court for non-payment of maintenance to petitioner no. 1 and their two children, i.e. petitioners no. 2 and 3, is that he has to pay a rent of Rs. 6,000/- per month, which obviously is not for Government accommodation.

As already noticed in earlier orders, even if that were so (that he is paying rent to the tune of Rs. 6,000/- per month), with him drawing a carry home salary of Rs. 30,000/- per month, such rent is absolutely no excuse to not maintain his wife and children.

Keeping that in mind, this Court had already, vide its order dated 30.04.2019, directed the respondent to pay petitioner no. 1 and their two minor children an interim maintenance of Rs. 12,000/- per month, starting from 05.05.2019.

That being so, without making any comment on the living conditions in the aforesaid Government quarter allotted to the respondent, this petition is disposed of with a direction that the amount of Rs. 12,000/- shall continue to be paid by the respondent to the petitioners during the pendency of the petition before the trial Court; and that the sum shall be deposited by the employer of the respondent, i.e. the State of Haryana through the concerned Deputy Commissioner of Police, Gurugram, directly into the bank account of petitioner no. 1, with the petitioner to naturally supply the account details to the Deputy Commissioner of Police within the next three weeks.

It is to be specifically stated that this direction is being given because this Court is not at all certain that the respondent will comply with this order timely, despite the fact that he is in Government service, thereby forcing the petitioner and her children to again and again keep approaching the Court.

The arrears of maintenance as ordered by the trial Court uptill the date this Court has enhanced the maintenance from, i.e. up-till 05.05.2019, be also deposited by the State of Haryana to the Deputy Commissioner of Police, Gurugram, in the aforesaid account of the petitioner, within a period of two months from today.

It is to be specifically stated that all observations made in this petition, are with regard to the interim maintenance to be paid by the respondent to the petitioners during the pendency of the petition instituted by the petitioners before the trial Court at Gurugram, under the provisions of the Hindu Adoption and Maintenance Act, 1956, with that Court naturally to eventually award permanent maintenance as it considers appropriate in terms of the evidence led by the parties, including the fact that petitioner no. 1 has two minor children to look after.

A copy of this order be given to the learned counsel for the State under the signatures of the Bench Secretary of this Court, for onward conveyance to the Commissioner of Police, Gurugram.

May 17, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes