

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

CR-512-2019 (O&M)

Date of decision: 08.07.2019

Avtar Singh

...Petitioner

Versus

Sharandeep Kaur

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Petitioner with counsel Mr. Abhinav Sood.

Respondent with counsel Mr. Vidit Bansal.

H.S. MADAAN, J. (Oral)

Petitioner Avtar Singh has appeared in the Court but he has not brought the money to pay the arrears of maintenance. He seeks some time for that. Already considerable time has been granted to him for that purpose. His request is declined. Let the revision petition be heard on merits.

Sharandeep Kaur-respondent in the present petition has brought a petition for divorce against her husband Avtar Singh, who is petitioner before this Court. On getting notice, respondent/husband Avtar Singh had appeared before the trial Court. Sharandeep Kaur had filed an application under Section 24 of the Hindu Marriage Act, seeking grant of maintenance pendente lite. After contest by respondent/husband Avtar Singh, the said application was allowed by the trial Court, vide order dated 21.11.2018 and maintenance @ Rs.5000/- per month was granted to

the applicant, payable by respondent from the date of order, besides Rs.5500/- as litigation expenses. The said order is being challenged in the present revision petition by respondent/husband Avtar Singh.

I have heard learned counsel for the parties besides going through the record.

The trial Court taking into consideration the facts and circumstances of the case has come to an inference that applicant Sharandeep Kaur is legally wedded wife of Avtar Singh and she is residing separately from the respondent and further she does not have any source of income and under the circumstances, respondent/husband Avtar Singh is under a legal as well as moral obligation to maintain the applicant. Though, applicant/wife had asserted that respondent by working as Security Provider, is earning Rs.30,000/- per month, however, the trial Court has considered that during the course of proceeding it had been admitted on behalf of respondent/husband that he was working as a Security Provider earlier, which avocation he is unable to continue on account of having met with an accident. However, the trial Court has recorded the observation that such plea of respondent/husband is not sustainable as he appeared to be hale and hearty from his appearance and assessed his income to be Rs.15,000/- per month. The income so assessed cannot be taken to be on higher side, keeping in view the fact that in the State of Punjab even a manual labourer is earning Rs.300 to 400 per day. Considering the income of respondent to be Rs.15,000/- and requirement of applicant, the trial Court has granted monthly allowance @ Rs5000/-

to the applicant, which can certainly be not taken to be on higher side, considering the fact that things of the basic needs are getting very costly day by day. The litigation expenses to the tune of Rs.5500/- are also not found to be on higher side. Thus, no ground is made out to interfere with the impugned order, either to set it aside or reduce the amount of maintenance allowance or litigation expenses as awarded by the trial Court. There is no merit in the revision petition, the same stands dismissed.

08.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No