

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

**C.R. No.5691 of 2018 (O&M)
Date of Decision.26.03.2019**

Ashish Shukla

...Petitioner

Vs

Sonia

.Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Amit Dhawan, Advocate
for the respondent.

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AMIT RAWAL J. (ORAL)

C.M. No.4271-CII of 2019

Application is allowed.

Photocopy of statement of account of petitioner from
27.09.2018 to 15.02.2019 is taken on record as Annexure A-2.

C.M. No.4272-CII of 2019

Application is allowed.

Photocopy of statement of respondent dated 15.10.2018
is taken on record as Annexure A-1.

C.R. No.5691 of 2018

In pursuance of order dated 14.03.2019, both the parties
are present in the Court.

Mediation proceedings were initiated by this Court but
husband is not willing to keep the wife and wants to part ways. A
proposal for permanent alimony was also put forth but wife did not
agree.

The present revision petition is directed against the

impugned order dated 10.08.2018 (Annexure P-1) whereby in divorce petition filed by the petitioner in respect of marriage solemnized on 24.06.2012, maintenance pendente lite @₹10,000/- per month has been granted along with litigation expenses of ₹5500/-.

Mr. Vaibhav Sehgal, learned counsel appearing on behalf of the petitioner submitted that after marriage, petitioner has upgraded himself by seeking higher qualification. He is Masters in Computer Application. Before June, 2016, he was drawing a salary of ₹29,000/- per month but as per the termination orders dated 30.06.2016, 30.06.2017 and statement of account (Annexure A-2) enclosed with C.M. No.4271-CII of 2019, his income at present is ₹13,200/- per month.

Divorce petition was filed on 16.08.2017. Parents of both parties are labourers in a dry port and collect wooden box. Keeping in view the standard of family, the maintenance aforementioned is on higher side.

Mr. Amit Dhawan, learned counsel appearing on behalf of the respondent submitted that keeping in view the education qualification of the petitioner, it cannot be believed that petitioner is drawing a salary of ₹13,200/- per month. It is an intentional act of reduction in the salary owing to pre-conceived notion as divorce petition was filed two months after the last termination order, thus, urges this Court for dismissal of the revision petition.

I have heard learned counsel for the parties and appraised the paper book. Though authenticity and veracity of the documents cannot be looked into as they have been filed by way of

application accompanied with affidavits, in essence, have not been proved in accordance with law. Be that as it may, education qualification of the petitioner is not in dispute and the previous salary of ₹29,000/-. Keeping in view the present status of the parties, particularly, when the wife and husband are living separately, present salary certificate of ₹13,200/- per month cannot be treated as sermon to reduce the amount of maintenance *pendente lite* considerably. Keeping in view the present scenario, I deem it appropriate to modify the order of maintenance from ₹10,000/- to ₹8,000/-. The stay granted by this Court is vacated. Petitioner is directed to pay arrears of maintenance within a period of one month from the date of receipt of certified copy of the order, failing which the respondent would have right to seek arrears in accordance with law.

The impugned order is modified to the above extent and the revision petition stands disposed of in above terms.

(AMIT RAWAL)
JUDGE

March 26, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No