

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

CRR No.319 of 2019 (O&M)
Decided on:- February 06, 2019.

Rohit Sharma.

.....Petitioner.

Versus

Aradhana and another.

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Vivek Sharma, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

CRM-4489-2019

Prayer in this application filed under Section 5 of the Limitation Act, 1963 is for condonation of delay of 47 days in filing the present criminal revision.

For the reasons stated in the application, the same is allowed and the delay of 47 days in filing the instant criminal revision is condoned.

CRR No.319 of 2019

The petitioner has filed present criminal revision against the order dated 19.01.2018 passed by learned Judicial Magistrate 1st Class, Naraingarh, whereby in a complaint filed by respondent No.1-wife under Sections 12, 17, 18, 19, 20 and 22 of the Protection of Women from Domestic

Violence Act, 2005, the respondent No.1-wife has been granted interim maintenance of Rs.8,000/- per month.

Challenge has also been laid to the judgment dated 30.08.2018 passed by learned Additional Sessions Judge, Ambala, whereby the appeal filed by the petitioner-husband against the order dated 19.01.2018 passed by learned Magistrate, was dismissed.

Learned counsel for the petitioner has argued that the gross salary of the petitioner is Rs.44,004/- per month, whereas his carry home salary is Rs.26,722/- per month. The petitioner is also required to take care of his ailing mother, who is getting treatment from PGIMER, Chandigarh. Moreover, the respondent No.1-wife is working as a teacher and, therefore, she is not entitled to claim any maintenance.

I have heard learned counsel for the petitioner.

The admitted case of the petitioner is that the gross salary of the petitioner is Rs.44,004/- per month and vide order dated 19.01.2018, learned Magistrate has granted interim maintenance to respondent No.1-wife at the rate of Rs.8,000/- per month. Thus, even if it is assumed that the petitioner is required to take care of his ailing mother, then also the amount of interim maintenance @ Rs.8,000/- per month is not on higher side.

The plea of the petitioner that his carry home salary is Rs.26,722/- per month only, is also liable to be rejected for the reason that it is the planning of the petitioner as to how much amount he would like to deduct from his gross salary. Apart from that, the petitioner also owns a house in Housing Board, Haryana from which he is statedly earning rent @

Rs.10,000/- per months. Though the petitioner has also pleaded that respondent No.1-wife is working as a teacher, but this plea also cannot be accepted as no such evidence has been brought on record to substantiate this fact. Therefore, this Court finds that there is no illegality in the impugned order and judgment passed by the Courts below.

Accordingly, affirming the impugned order dated 19.01.2018 passed by the trial Court and the impugned judgment dated 30.08.2018 passed by the appellate Court, present criminal revision, being devoid of any merit, is dismissed.

February 06, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No