

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRR(F)-106-2019 (O&M)
Date of Decision:-31.10.2019

Manisha and another ... Petitioners

Versus

State of Haryana and another ... Respondents

CRR(F)-384-2019 (O&M)

Rishi Chawla ... Petitioner

Versus

Manisha and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Monika Thakur, Advocate,
for the petitioners in CRR(F)-106-2019.

Mr. Manish Bhardwaj, Advocate for
Mr. Harish Sharma, Advocate,
for the petitioner in CRR(F)-384-2019 and
for respondent No.2 in CRR(F)-106-2019.

Mr. Brijesh Sharma, AAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two revisions petitions, one filed on behalf of petitioners Manisha-wife and her minor son Apoorv Chawla, i.e. CRR(F)-106-2019, and the other filed on behalf of petitioner

Rishi Chawla-husband, i.e. CRR(F)-384-2019, challenging the same very order i.e. order dated 24.1.2019, whereby the learned Additional Principal Judge, Family Court, Rohtak has awarded interim maintenance @ ₹10,000/- per month to the wife i.e. Manisha and ₹5,000/- per month to the minor child of the parties namely Apoorv Chawla.

2. The learned counsel representing the petitioner Manisha (wife) has submitted that her husband is a businessman running a factory having an income of about ₹2 lacs per month. The learned counsel, in this regard, has submitted that infact her husband in order to mislead the Court about his income had produced a copy of his income-tax return (ITR) showing his income to be merely ₹1.80 lacs per annum, but he, very cleverly took back the same from the Court on the pretext of getting the same photocopied but never produced the said ITR again. The relevant extract from the impugned order, wherein the said fact is noticed, reads as follows:

“..... Learned counsel for the respondent had shown an income tax return of the respondent wherein the annual income of the respondent was shown to be around Rs.1,80,000/-. Learned counsel for the respondent vehemently argued that there is no proof of ownership of any factory and the respondent is merely doing a service. However, in the said income tax return the business/occupation of the respondent has been shown to be of manufacturing. After conclusion of arguments learned counsel for the respondent took back the said Income Tax Return on the pretext of getting the same photocopied and to return. However, learned counsel has not turned up yet.”

3. On the other hand, the learned proxy counsel representing the husband has submitted that in the absence of any concrete evidence regarding income of husband, the assessment of interim compensation @ ₹15,000/- per month for

the wife and minor child is on the higher side and is not justified and deserves to be reduced.

4. I have considered rival submissions addressed before this Court.
5. At the time of assessment of interim maintenance some guess work is also involved as the assessment has to be made on the basis of whatever evidence or facts are available on record. The learned Trial Court, while reaching at the figure of interim maintenance of ₹10,000/- per month for the wife and ₹5,000/- per month for the minor child, broadly made an assessment regarding the financial status of the husband on the basis of the photographs of the factory premises and also of the residence. The relevant extract in the impugned judgment reads as follows:

“In the video clipping shown by the first petitioner the respondent can be seen maintaining a good house where at least three or four security cameras have been installed. Photographs of the factory premises of the respondent has also been provided by the learned counsel for the first petitioner. Considering the totality of the circumstances of the case and also keeping in view the current socio economic affairs prevailing in the society and the status of the parties, this Court is of the view that the ends of justice would meet if the respondent is directed to pay a sum of Rs.10,000/- per month to the first applicant and Rs.5,000/- per month to the second applicant as interim maintenance from the date of filing of the application. The applicant shall also be entitled for litigation expenses which are quantified at Rs.11,000/-.”

6. The aforesaid video clipping was from CCTV cameras installed at the residence of husband which showed the husband dragging and pulling his wife by her wrist and pushing her out of her matrimonial home. As far as the contention of the wife that her husband was running a factory is concerned, the same is virtually admitted by the husband, when he admitted the fact that

the plot, on which the factory is situated, is owned by his mother and that he is the only son.

7. Keeping in view the aforesaid facts and circumstances, this Court does not find that the Trial Court has erred in any manner either in reaching at the conclusion regarding entitlement of wife alongwith her minor child to receive maintenance from her husband or as regards quantum of interim maintenance. Consequently, the impugned order is upheld. Both the petitions are sans merit and are hereby dismissed.
8. The Trial Court is, however, directed to expedite the proceedings and endeavour to conclude the same at the earliest by fixing short dates in the matter.

31.10.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No