

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

CRM-M-16132 of 2018

Decided on:- December 07, 2019.

Sugandh Khanna.

.....Petitioner.

Versus

Aanchal Khanna and another

.....Respondents.

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

Present:- Mrs. Aarti Gupta, Advocate
for the petitioner.

Mr. Aditya Sanghi, Advocate
for the respondents.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 482 Cr.PC for quashing of the order dated 19.03.2018 passed by learned Additional Principal Judge, Family Court, Gurugram, whereby the petitioner was directed to pay Rs.30,000/- as monthly interim maintenance towards the monthly expenses of minor son Vivaan Khanna (respondent No.2 herein) from the date of filing the application of interim maintenance.

Learned counsel for the petitioner has argued that while granting the interim maintenance @ Rs.30,000/- per month to the respondent No.2, who is minor son of the petitioner, the family Court has failed to consider the aspect that the respondent No.1-wife is earning handsomely and she is getting salary of Rs.50,000/- per month from her job with Nissan India Motors

Limited. Besides this, she is also getting Rs.20,000/- per month from the petitioner-husband in compliance of order dated 03.06.2016 passed by learned Judicial Magistrate 1st Class, Gurgaon in proceedings under Section 12 of the Domestic Violence Act. In this manner, respondent No.1-wife is having sufficient means to maintain herself and respondent No.2-minor son.

Fresh Power of attorney filed on behalf of the petitioner in Court, is taken on record.

On the other hand, learned counsel for the respondents has argued that the respondent No.2 is a school going child and in a reasonably good school. Even admission fee in the area where the respondents are living is about Rs.1.5 lakh per annum. Besides this, she has to pay the quarterly fee around Rs.60,000/-. The petitioner-husband is earning Rs.79,965/- per month as he is working as General Manager in Karma Lakelands Pvt. Limited, Gurugram. Therefore, the family Court has rightly granted interim maintenance of Rs.30,000/- per month for respondent No.2 minor son.

Having heard learned counsel for the parties and considering the fact that the awarded maintenance is interim in nature coupled with the fact that the respondent No.1-wife is also earning Rs.50,000/- per month, the impugned order dated 19.03.2018 passed by the family Court, Gurugram is modified to the extent that instead of Rs.30,000/- per month, the petitioner shall pay a sum of Rs.20,000/- per month to respondent No.2 from the date of filing of the application of the interim maintenance.

With the aforementioned reduction in the amount of interim maintenance, the impugned order is hereby modified and the present petition stands disposed of.

Since the present petition is based on interim maintenance, the observations made hereinabove shall not be construed as an expression of opinion on the merits of the main case and the family Court shall decide the same without being influenced with the observations made by this Court in any manner.

December 07, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No