

103.

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

CRM-M-17210-2017 (O&M)

Date of decision: 20.08.2019

BHUPINDER SINGH

... Petitioner

versus

HARJIT KAUR

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Harparteek S. Sandhu, Advocate, for
Mr. Harpreet S. Rakhra, Advocate,
for the petitioner.

Mr. G.C. Shahpuri, Advocate,
for the respondent.

HARI PAL VERMA, J. (Oral)

Petitioner-husband has filed the present petition impugning the order dated 06.03.2017 passed by the revisionary court whereby on a revision filed by the respondent-wife, namely, Harjit Kaur, against the order dated 12.04.2016, the learned Additional District Judge, Yamuna Nagar at Jagadhri, has granted interim maintenance to the respondent to the tune of Rs.10,000/- along with Rs.4,400/- as litigation expenses.

Counsel for the petitioner has argued that the petitioner has retired as a Technician from the Railway Coach Factory on 31.05.2016 and, thereafter, he is not getting salary, rather drawing pension @ Rs.19,620/- per month. Therefore, the awarded maintenance, even if it is interim maintenance, is on higher side. He further states that the respondent is a well-qualified person and is giving tuitions. She is already in possession of a

i.e. salary and the said house is already on rent, from which, she is earning rent. Therefore, she is financially well placed and not entitled for the maintenance @ Rs.10,000/- per month. The learned Magistrate vide order dated 12.04.2016 has already granted adequate maintenance.

On the other hand, learned counsel for the respondent has argued that on the date when the petitioner retired from his service, he was drawing salary of more than Rs.70,000/- per month and even after retirement, his pension is about Rs.27,000/-. She is not in possession of any house, as alleged by the petitioner and, therefore, the question of rent being earned by her does not arise. Apart from the salary being drawn by the petitioner, he has landed property as well and he is earning from this property.

I have heard counsel for the parties.

Considering the fact that the awarded maintenance is interim in nature, this Court finds that ultimately it would be governed by the final judgment of the court below. There is no dispute that when the petitioner retired from his service on 31.05.2016, his salary was about Rs.70,000/- and after his retirement, he is drawing pension @ Rs.27,000/- as on date. In the initial months, when the petitioner retired from service, his pension was around Rs.20,000/-. The revisionary court should have noticed the retirement of the petitioner.

Accordingly, the order passed by the revisionary court is modified to the extent that for the period i.e. from the date of filing of the petition by the respondent under Section 125 Cr.P.C., the respondent shall be entitled to get interim maintenance @ Rs.10,000/- per month till

However, for the period after 01.06.2016 till date, the respondent shall be paid maintenance @ Rs.7,500/- per month. This modification is ordered as the petitioner has retired from his services on 31.05.2016 and is no more drawing salary, rather is surviving on his monthly pension.

With the aforesaid modification, the present petition is hereby disposed of. Ultimately, the parties would be governed by the final order of the court below.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

20.08.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No