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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/05/2019 15:55
I attest to the accuracy and
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CR-2838-2019 (O/M)
Date of decision : 9.5.2019

Kamaljeet Kaur Petitioner (s)

Versus

Agyakar Singh Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sahil Thakur, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Heard.

Impugned in present revision is order dated 8.3.2019 (Annexure-P-1), passed by learned Additional Principal Judge, Family Court, Jalandhar, vide which trial Court modified earlier order of maintenance, so as to increase maintenance granted to petitioner and her minor daughter.

It comes out that in an application filed under Sections 24 and 26 of Hindu Marriage Act, 1955, order was passed on 17.5.2017 wherein petitioner wife was allowed maintenance at the rate of Rs. 5,000/- per month and Rs. 2,000/- per month were allowed to minor child, total maintenance comes to Rs. 7,000/- per month. During cross examination, since respondent stated that his monthly salary is Rs. 30,000/-, therefore, application was filed for enhancement of maintenance till disposal of petition.

Perusal of trial Court order shows that respondent had made admission that his monthly salary is Rs. 30,000/-, but salary slip deposited in bank shows that it was Rs. 13,500/- per month and for October, 2018, it

was Rs. 16,800/-. Therefore, wrong admission made in cross examination could be contradicted by record. Since these are disputed facts, therefore, these cannot be decided to hold that salary is only as per admission made in court. The case is now fixed for evidence of respondent. There is no illegality or infirmity in impugned orders.

At this stage, proxy counsel Mr. Gautam Kaile, Advocate, for, Mr. S.K. Bawa, Advocate, appeared for respondent of his own and filed power of attorney on his behalf in Court today and same is taken on record. He has intimated the Court that main petition filed by petitioner wife under Section 13 of Hindu Marriage Act, 1955, has already been dismissed by learned Additional Principal Judge, Family Court, Jalandhar, vide judgment and decree dated 11.4.2019, certified copy whereof has been produced in Court today and same is taken on record. It being so, present petition has otherwise become infructuous and is accordingly dismissed.

(KULDIP SINGH)
JUDGE

9.5.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No