

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2933-2019 (O&M)

Date of decision : 6.5.2019

Kanwaljit Singh

..... Petitioner

Versus

Kanwaljit Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. V.K.Sandhir, Advocate for the petitioner.

KULDIP SINGH, J.

Heard.

Impugned in the present revision petition is the order dated 17.12.2018 passed by learned Additional District Judge, Amritsar vide which Rs. 4,000/- as interim maintenance and Rs. 2500/- as litigation expenses was allowed to respondent-wife.

Learned counsel for the petitioner contends that petitioner was married with respondent-wife on 14.4.2004 as per Sikh rites and a child was born out of the wedlock on 27.12.2012. It is further contended that before the marriage respondent-wife was previously married to one Ravinder Singh and without taking the divorce she married the petitioner.

I am of the view that respondent-wife lived with the petitioner as wife, therefore, the grant of interim maintenance to the extent of Rs. 4,000/- is very meager amount. In the circumstances, it cannot be called unjustified.

Learned counsel for the petitioner further contends that earlier in the petition filed under Section 13-B of the Hindu marriage Act, 1955, petitioner paid an amount of Rs. 1,80,000/- to respondent-wife on the first

motion but she did not appeared in the second motion to get her statement recorded. If it is so, he can always move an appropriate application before the trial Court seeking adjustment out of the said amount and it is for the trial Court to decide the same after hearing both the parties without being influenced by the observations made by this Court.

Learned counsel for the petitioner further contends that respondent-wife is now living with one Inder Singh and therefore, she is not entitled to maintenance. It is further contended that respondent-wife is working as Anganwadi worker and getting salary. The plea that she is living with other man is yet to be decided after recording the evidence. The maintenance is already on the lower side. Therefore, even if the respondent-wife has some income, she can still be granted interim maintenance.

In view of above, I do not find any illegality or infirmity in the impugned order dated 17.12.2018 passed by learned Additional District Judge, Amritsar.

Dismissed.

(KULDIP SINGH)
JUDGE

6.5.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No