

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

CR-3695-2019 (O&M)
Date of decision: 30.05.2019

Pardeep

...Petitioner

Versus

Poonam

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Pawan Attri, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

This revision petition is directed against the order dated 10.04.2019, passed by Addl. District Judge, Fatehabad, vide which, in proceedings in divorce petition titled 'Pardeep Vs. Poonam', on an application having been filed by applicant/wife Poonam, she had been granted interim maintenance @ Rs.17,000/- per month for herself as well as minor son of the parties.

The grouse of the revisionist/husband is that the maintenance has been wrongly granted and in any case, it is on the higher side.

I have heard learned counsel for the revisionist besides going the record and I find that there is absolutely no merit in the revision petition. The relationship of husband and wife between the parties is admitted, so is the fact that they are residing separately and the wife is taking care of minor son of the parties. There is nothing on record to show that the wife and the minor son have got any source of income,

whereas, learned trial Court on the basis of evidence produced before it, has noticed that as per salary certificate of revisionist for the month of March, 2019, his salary is over Rs.53,000/- per month, though, he is getting deductions of Rs.3150/- towards income tax and Rs.2073/- towards PF per month and making voluntary Provident Fund contribution of Rs.10,366/- per month. His net carry home salary being Rs.37,411/- per month. Learned trial Court has rightly noticed that any such deduction over and above the mandatory requirement towards PF or towards personal loan is not to be deducted from the earning of the husband and the voluntary contribution made by the husband are to be considered while assessing his earnings. In that way, carry home salary of the petitioner has been assessed to be Rs.48,000/- per month. Considering the status of the parties and other facts and circumstances, the trial Court has granted a sum of Rs.17,000/- per month as maintenance pendente lite from the date of filing of application and Rs.4400/- towards litigation expenses. Keeping in view the fact that the things of the basic needs are getting very costly these days and the studies of a small child in a reasonable good school also require spending of a considerable amount, the amount of Rs.17,000/- per month awarded cannot be said to be unjustified or on higher side. The revisionist is liable to maintain his wife and minor child, who are unable to maintain themselves. The fact that the wife and minor son are residing in the house of the revisionist does not affect their claim for maintenance for meeting their other basis requirements.

The order is certainly not perverse or arbitrary and it does not suffer from any illegality or infirmity, much less apparent on the face of it, which might have called for interference by this Court, while exercising revisional jurisdiction. Thus, finding no merit in the revision petition, the same stands dismissed.

30.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No