

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

CR-3825-2019 (O&M)
Date of decision: 15.07.2019

Manju

...Petitioner

Versus

Vinay Kumar

...Respondent

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

Present: Mr. Punit Malik, Advocate for the petitioner.

H.S. MADAAN, J.

In a divorce petition filed by petitioner/husband Vinay Kumar against his wife Manju-respondent, the latter had filed an application under Section 24 of the Hindu Marriage Act, which was opposed by the former, however, the trial Court of Addl. Principal Judge, Family Camp Court, Pataudi, vide order dated 13.03.2019, accepted the application and considering that Vinay Kumar was a practising Advocate at District Courts, Gurugram, having standing of six years, in the absence of any documentary evidence, assessed his monthly income to be Rs.25,000/- and granted monthly maintenance allowance of Rs.5000/- to the applicant/wife Manju and Rs.2500/- to the minor daughter of the parties residing with applicant Manju, namely, Baby Rupanshi from the date of filing of the application. However, the applicant/wife Manju being of the view that the maintenance pendente lite, so granted by the trial Court, was on the lower side, has approached this Court, by way of filing the present revision petition.

I have heard learned counsel for the revisionist besides going through the record and I find that there is no merit in the revision petition. Admittedly, the applicant had not filed any documentary evidence to show that her husband Vinay Kumar had been earning more than Rs.25,000/- per month as assessed by the trial Court. There is nothing to show that he is an income tax assessee, therefore, the trial Court was justified in assessing his income to be Rs.25,000/- per month and granting Rs.5000/- per month to the applicant and Rs.2500/- to the minor daughter of the parties, which amounts to around 1/3rd of assessed income of Vinay Kumar and can certainly be not taken to be on the lower side. The trial Court had decided the petition on the basis of pleadings of the parties and evidence brought before it. The revisionist has got an independent right to file petition under Section 125 Cr.P.C., for herself and on behalf of minor daughter of the parties against the respondent and by producing sufficient evidence, claim even higher amount therein.

There is no illegality or infirmity in the impugned order, 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.

15.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No