

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

**CRR (F)-457-2018 (O&M)
Date of Decision : 25.07.2019**

Amit Mehra Petitioner
Versus

Smt. Manju Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Amardeep Sheoran, Advocate
for the petitioner.

Mr. Sunny Namdev, Advocate
for the respondent.

RAJ SHEKHAR ATTRI, J. (Oral)

Learned counsel for the petitioner has placed on record the writing issued by Gram Panchayat, Rewari. Same is taken on record.

The petitioner has challenged the order dated 02.06.2018, passed by the Principal District Judge, Family Court, Bhiwani, vide which the respondent-wife was awarded Rs.5,000/- per month as interim maintenance.

In this case, the factum of marriage and birth of the children are not in dispute. It is a case of the respondent-wife that the petitioner has neglected her and turned out from her matrimonial home after giving beatings; that he has also demanded more dowry and that he has refused to pay the maintenance. She has asserted that the petitioner is an Executive commercial in a private company and is earning Rs.40,000/- per month and he can easily pay the handsome maintenance.

The application was contested on the ground that the respondent is a quarrelsome lady and she had left her matrimonial home on her own sweet will without any excuse.

On appreciating the material available on record, the learned Family Court has awarded Rs.5,000/- per month as interim maintenance and Rs.11,000/- as litigation expenses.

I have heard learned counsel for the parties and have gone through the record.

On 15.07.2018, the petitioner had offered to provide 20 kgs. rice, 05 kg. sugar, 05 kg. different pulses, 15 kg wheat, 05 kg pure ghee per month; three wearing suits in each quarter and two litre milk every day to the respondent-wife. He was directed to provide all these articles within three days. However, today, he produced a writing submitted by Gram Panchayat, Rewari Khera to the effect that the petitioner had gone to the said village alongwith abovesaid articles but the respondent refused to accept the same. This fact has been contested by the learned counsel for the respondent. However, respondent is not ready to receive these articles and she has submitted that the petitioner is not deliberately making the payment of interim maintenance despite having sufficient means to pay the same. It has also been argued that the petitioner is unauthorizedly keeping the custody of minor kids of the respondent with him and they are kept with the parents of the petitioner at Chandigarh and even she is not allowed to meet them.

The petitioner himself has submitted that infact his parents are residing at Chandigarh and the children are also studying at Chandigarh and are staying with them and he is merely looking after the ancestral property

and except this, he is not doing any work.

I have given my thoughtful consideration to the rival contentions.

Undisputedly, the petitioner was working in a company at the time of filing the petition. He did not produce any document to establish his status in the company and his salary/income therefrom.

To prove the income of the husband, the onus is upon him as the source of income are in his special and personal knowledge and he has to explain the same. But nothing has been brought before this Court. Apart from it he is an educated and able bodied person. It has also been accepted that he is looking after his ancestral land. The amount of maintenance is not excessive. The case is at preliminary stage.

The petitioner has arranged the abovesaid eatable items within five days from the passing of the order dated 15.07.2019. This establishes that he has the capacity to make the payment of the maintenance.

In view of aforesaid discussion, this court is of the opinion the impugned order does not suffer from any illegality, irregularity or infirmity and the same does not call for any interference and is hereby affirmed.

Therefore, finding no merit in the instant petition, the same is dismissed.

25.07.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No