

109.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-446-2019 (O&M)

Date of decision: 19.07.2019.

DEEPAK KUMAR

... Petitioner

versus

JOTSNA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Saurabh Singla, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

Petitioner-husband has filed the present revision petition impugning the order dated 28.02.2019 passed by learned Additional Principal Judge, Family Court, Ludhiana, whereby on a petition filed under Section 125 Cr.P.C., the learned Family Court has granted maintenance @ Rs.10,000/- per month to the respondent-wife from the date of application.

Counsel for the petitioner has argued that the income of the petitioner does not permit him to pay such amount of maintenance as awarded by the Family Court, which is very high. It is the consistent case of the petitioner that respondent-wife is in active legal practice at Payal. Even her brother and father are also in practice. She is owning a chamber at Payal, whereas the monthly income of the petitioner comes to Rs.24,000/-, as he is running a mobile shop only which is evident from the income tax returns.

I have heard counsel for the petitioner.

The income tax returns in itself is not a conclusive evidence to establish the income. Merely because the respondent is a practising lawyer, does not mean that she is earning and is able to survive on her practice. Her practice at the Bar, just about 3 to 4 years, is not enough to accept that she is earning sufficient amount to maintain. Petitioner has availed loan for his business and car and by the time the petition was filed, he has cleared substantial outstanding loan amount and, therefore, the argument that he has to pay the loan amount, cannot be accepted.

Accordingly, this Court does not find any reason to interfere in the well reasoned order passed by the learned Family Court.

Dismissed.

However, dismissal of the present petition shall not disentitle the wife to seek enhancement of maintenance in case she makes out a case.

Since the main petition has been dismissed on merits, no separate order is required to be passed in the application i.e. CRM-21631-2019 seeking condonation of delay.

(HARI PAL VERMA)
JUDGE

19.07.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No