

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR(F)-450-2019

Date of Decision:-22.07.2019.

Man Mohit

.....Petitioner

Versus

Neha

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Dhruv Gupta, Advocate for the petitioner.

RAJ SHEKHAR ATTRI, J.

In the instant revision petition, petitioner has challenged the order dated 03.06.2019 vide which the respondent-wife was granted interim maintenance @ Rs.5,000/- per month.

It has been argued that petitioner has no source of income. He is a student doing B.Ed. (second semester).

Reliance has been placed on the judgments passed by this Court in (1.) *Dalip Kumar @ Deepa Vs. Sunita and another reported as 2014 (1) Law Herald 776* and (2.) *Arjun Kumar Looma Vs. Shakuntla Rani*.

In the case of Dalip Kumar @ Deepa cited supra, it has been observed by this Court on 03.02.2014 that where there is no proper document to establish the income of the husband, the Court to infer income of husband at par with labourer who would be earning at least Rs.7,000/- to

In this view of the matter, if it is assumed that petitioner is earning between Rs.10,000/- to Rs.12,000/- per month, he can easily pay Rs.5,000/- as interim maintenance. Apart from it, the party had not adduced evidence. It is on the preliminary stage, and on receipt of the evidence it will be for the Family Court to modify the order in either side.

No case is made out to interfere with the order dated 03.06.2019.

Dismissed.

At this stage, learned counsel for the petitioner submitted that similar amount has been granted as interim maintenance by the court below in a case under Section 12 of the Protection of Women from Domestic Violence Act, 2005. It is for the petitioner to move an appropriate application before the Court below. In case such an application is filed by the petitioner, that shall be disposed of within a period of three weeks from the date of filing of such application.

(RAJ SHEKHAR ATTRI)
JUDGE

July 22, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.