

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRR(F)-649-2019 (O&M)
Date of Decision:- 9.9.2019

Surender Pathak

... Petitioner

Versus

Simple Dutt @ Kavita

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navdeep Monga, Advocate, for
Mr. N.K. Malhotra, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging order dated 8.7.2019 whereby the learned Principal Judge, Family Court, Rohtak, while deciding an application for grant of interim maintenance during the pendency of an application under Section 125 Cr.P.C. has awarded maintenance to respondent @ ₹ 4,000/- per month.
2. Learned counsel for the petitioner has submitted that in fact the marriage between the parties already stands dissolved vide judgment and decree dated 25.1.2018 (Annexure P-3) wherein a petition filed by the petitioner under Section 13 of Hindu Marriage Act seeking dissolution of marriage on the grounds of cruelty was accepted and the marriage between the parties were ordered to be dissolved. Learned counsel for the petitioner has submitted that in any case the

income of the petitioner is barely ₹ 5-6 thousand per month and in these circumstances even the amount awarded is on the higher side.

3. I have considered the aforesaid submissions. Under Provisions of Section 125 Cr.P.C. even a divorced wife is entitled to grant of maintenance. The quantum of maintenance as awarded by the trial Court i.e. ₹ 4000/- per month certainly cannot be said to be on the higher side. The contention of the petitioner that the petitioner being a *Pandit* by profession, is earning barely ₹ 5-6 thousand per month cannot be accepted for the reason that it is well known that apart from the earning in the shape of cash amount, the Priests are given various other offerings in kind as well including food and clothing. In any case, while keeping in mind that there is nothing to show that the petitioner is handicapped in any manner, his income from all sources that may be in cash or kind cannot be said to be less than ₹ 14-15 thousand per month. Consequently, the interim maintenance @ ₹ 4000/- per month cannot be said to be exorbitant so as to warrant any interference. There is no infirmity in the impugned order and the same is upheld.

4. Finding no merit in the revision petition, the same is dismissed.

September 9, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No