

**CR-3167-2017 (O&M)**

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

**CR-3167-2017 (O&M)**

**Date of decision : 15.02.2019**

Harinder Kumar

... Petitioner

Versus

Rinku

... Respondent

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Rakesh Dhiman, Advocate  
for the petitioner.

Mr. Ankush Chowdhary, Advocate  
for the respondent.

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**AMIT RAWAL, J. (ORAL)**

The present revision petition, at the instance of the petitioner-husband, is directed against the impugned order dated 09.02.2017, whereby in a divorce petition under Section 13 of the Hindu Marriage Act, instituted by the petitioner-husband against his wife, ad interim maintenance @ ₹10,000/- has been awarded from the date of filing of the application i.e. 17.12.2015 and ₹2,200/- as litigation expenses.

Learned counsel for the petitioner submitted that marriage between the parties was solemnized on 07.02.2011 and a female child was born on 14.05.2012. Owing to the differences between the parties, the respondent-wife left the matrimonial home on 10.05.2013 and the divorce petition (Annexure P-1) under Section 13 of the Hindu Marriage Act, was filed on 07.07.2015, wherein the respondent-wife submitted an application

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dated 17.12.2015 for maintenance *pendente lite* @ ₹25,000/- on the premise that the petitioner is practising as Advocate. The trial Court awarded the maintenance @ ₹10,000/-, which is on higher side, for, the petitioner was junior to Sh. Subhash Grover, Advocate and unable to pay the maintenance as no evidence has been placed on record that he was earning ₹50,000/- per month. He is totally new entrant and even has not filed a single case, at the time when the case was filed, except his own case, therefore, the amount was enormous. The wife has already filed a petition under Domestic Violence Act at Pataudi as well as under Section 125 of the Code of Criminal Procedure, even an FIR under Section 498-A of Cr.P.C., has been registered at District Alwar, Rajasthan, which has seriously affected his career. The reference of the revenue record regarding agricultural land is wholly preposterous as father of the petitioner has two sons and three daughters.

Learned counsel for the respondent-wife submitted that the impugned order, under challenge, is perfectly legal and justified. The petitioner belongs to the rich family and the maintenance *pendente lite* has been awarded as per the status of the parties. The lawyer cannot be said to be earning at least minimum wages, sought to be projected in the petition, thus, urges this Court for dismissal of the present revision petition.

Before I could dictate the order, learned counsel for the respondent pointed out that this Court, vide order dated 23.01.2009 had directed the petitioner to pay 50% of the total amount of arrears at the time of passing of the order, but the petitioner failed to clear the arrears. On the other hand, learned counsel for the petitioner submitted that the same has already been deposited.

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I have heard learned counsel for the parties ,appraised the paper book and of the view that the impugned order, under challenge, assessing the income of the petitioner is little excessive, for, the Court below has not taken into consideration the fact that the petitioner is a new entrant and the agricultural property would not be inherited by him as he has other siblings. In view of strict competition amongst the new entrants, the finding qua earning of ₹25,000/- or ₹50,000/- as alleged, is far fetched, but equally so, this Court cannot remain oblivious of the fact that the lawyer has a status in the society and cannot be said to be earning at least minimum ₹20,000/-.

Without adverting to the merits of the case, I deem it appropriate to modify the impugned order, under challenge, the maintenance *pendente lite* is hereby reduced from ₹10,000/- to ₹8,000/- w.e.f. 17.12.2015. The petitioner is directed to clear all the arrears and in case the arrears are not clear as disputed by the counsel for the respondent-wife, liberty is granted to the respondent-wife to seek the recovery in accordance with law.

With the aforesaid observations, the present revision petition stands disposed of.

**15.02.2019**  
Yogesh Sharma

**( AMIT RAWAL )**  
**JUDGE**

Whether speaking/reasoned    **Yes/ No**

Whether Reportable                **Yes/ No**