

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

**CRR (F)-2420-2018 (O&M)
Date of Decision : 15.07.2019**

Sandeep Ahlawat

..... Petitioner

Versus

Sonali Ahlawat

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Anil Kumar Rana, Advocate and
Ms. Avneet K.Brar, Advocate
for the respondent.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has challenged the order dated 02.11.2018, passed by the learned Addl. Principal Judge, Family, Court, Faridabad vide which the respondent-wife was granted interim maintenance at the rate of Rs.22,000/- per month.

Undisputedly, the petitioner was married with respondent Smt. Sonali Ahlawat and both of them have been blessed with two children.

The petitioner is working in the Indian Army. It has been argued on behalf of petitioner that he was conferred with gallantry award and a petrol pump was allotted to him which was in the name of respondent-wife. However, the petitioner contributed the installation charges and also took the land on lease for the said petrol pump. Respondent-wife moved an application for maintenance on the ground that

she has no source of income and she is living at the mercy of her parents whereas the petitioner is working as a colonel in the Indian army and drawing monthly salary of Rs.1,00,000/-. He has triple storey house in posh colony, Gurgaon, a flat, two shops and other immovable property. Even his rental income is between Rs.3,50,000/- to Rs.4,00,000/- per month and he can easily pay Rs.2,00,000/- as interim maintenance and Rs.51,000/- as litigation charges.

After hearing the application for grant of interim maintenance, the learned court below allowed the same and awarded Rs.22,000/- per month as interim maintenance from the date of filing of the application vide impugned order dated 02.11.2018. However, it was made clear that any amount of maintenance awarded in that petition is adjustable with any other amount awarded as maintenance to the respondent-wife.

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

Learned counsel for the petitioner has submitted that the respondent-wife was earlier running a petrol pump and also had adequate source of income but this fact is not considered by the court below.

On the other hand, learned counsel for the respondent-wife has submitted that infact, the petitioner was running the affairs of the petrol pump and he himself had submitted the income tax returns. Now the petrol pump has stopped earning income, therefore, respondent-wife is entitled to interim maintenance.

I have given my thoughtful consideration to the rival contentions.

Except the ownership of petrol pump, the respondent-wife has

no other source of income.

There is dispute between the parties with regard to running of a petrol pump. The petitioner alleges that the petrol pump infact was allotted in the name of his wife but he contributed for its installation and now on the application of the wife, the business of the petrol pump has been shut down. It is not in dispute that the petrol pump was in the name of respondent-wife but it has stopped working and now she has no income from it. The petitioner is working as a colonial. His income is not less than Rs.1,00,000/- per month, therefore, he can easily pay the maintenance. The case is at an interim stage. The document produced before this court can be produced and proved before the trial court. After adducing evidence, it shall be for the family court to modify the order in accordance with the facts and circumstances of the case. However, at this stage, no case is made out for making any alteration in the impugned order. Thus, the impugned order does not suffer from any illegality, irregularity and infirmity and the same does not call for any interference and is hereby affirmed.

As such, the instant petition, being devoid of any merit, is hereby dismissed.

15.07.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No