

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision (F)-232 of 2017 (O&M)
Date of decision : August 27, 2019

Abhishek Gupta

....Petitioner

versus

Namita Gupta

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Abhimanyu Singh, Advocate, for the petitioner

Mr. Prateek Rathee, Advocate, for the respondent

Fateh Deep Singh, J. (Oral)

Petitioner Abhishek Gupta husband of respondent Namita Gupta has come up in this revision challenging order dated 3.4.2017 passed by District Judge, Family Court, Hisar, whereby the husband has been directed to pay Rs 25,000/- per month as maintenance to the respondent wife.

Heard Mr. Abhimanyu Singh, Advocate, for the petitioner; Mr. Prateek Rathee, Advocate, for the respondent and perused the records.

It is duly conceded to by the two sides in the stand before the court below and as is there in their arguments in this Court, the marriage between the couple took place on 28.6.2012. However, on account of matrimonial dispute an FIR was got registered by the wife against the husband and others for treating her cruelly as well as criminal breach of trust qua her articles of Ishtidhan. It is during these events, she has filed application seeking maintenance which stood allowed by the impugned findings.

Appreciating the submissions it is the stand of the petitioner husband that he is working in a private undertaking namely Axalta Company. The only line of contention is the very earnings of the husband. Counsel for the petitioner has sought to assert that the actual salary of the husband is only Rs 2,75,418/- per annum and which comes to Rs 22,951/- per month and that grant of Rs 25,000/- per month is on the higher side whereas the respondent side has sought to aver that the own documents of the husband Ex. R/1 and Ex. R/2 show that he was earning around Rs 52,000/- per month and has drawn the attention of the Court to para no. 10 of the impugned judgment whereby the court has taken various documents received by way of information from the Company showing gross salary of Rs 10,32,880/- per annum.

Appreciating the submissions it is not displaced that the husband is working at the said Company and the only dispute is over his salary. The documents of the respondent Ex. R/1 Ex. R/2 show that his total income with effect from April, 2016 to be Rs 7,03,860/- per annum as is reflected in para no. 11 of the impugned order and on the other hand the details of the earnings of the husband received from the Company by way of salary slip between May, 2015 to November, 2016 shows his earnings to be between Rs 1,32,369/- and Rs 46,486/-. By some amount of guess and hypothetical calculations, it can safely be assumed that the rough salary of the husband is around Rs 53,000/- per month. Keeping in view that the wife needs roof over her head, two square meals a day, besides expenses for her daily upkeep, medicines etc. in this era of rising trend of prices, Rs 25,000/- per month does not appear to be on the higher side and rather appears to be a well proportionally balanced one. The claim sought to be raised that the husband is out of job is not at all borne from the records and rather being a revision, this Court is to restrict itself to the limits of legality and perversity of the findings of an order under challenge and if it is so as is claimed by the petitioner side, the petitioner is well within his right to file an appropriate application on the basis of change of circumstances

before the concerned court for alteration of this allowance. This Court does not feel the necessity of indulgence in this matter. The present petition thus stands dismissed.

August 27, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No