

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

CRR(F) 516 of 2017 (O&M)

Date of Decision: October 17, 2019

Ashok Kumar

.....Petitioner

Versus

Neeraj @ Neeru and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Deepam Raghava, Advocate
for the petitioner.

Mr. Kartar Singh, Advocate
for the respondents.

FATEH DEEP SINGH, J. (Oral)

This criminal revision is by disgruntled husband/petitioner Ashok Kumar aggrieved over an order dated 21.09.2017 (Annexure P-1), whereby, the Court of learned Additional Principal Judge, Family Court, Faridabad had ordered interim maintenance allowance of Rs.12,000/- per month to the estranged wife Neeraj @ Neeru and Rs.4,000/- per month to the minor daughter Kumari Snaya @ Satvika.

Upon hearing counsel for the petitioner and perusal of the records, it is duly conceded during the course of submissions that marriage between the parties was solemnized on 19.04.2014 and, out of which, a female child Kumari Snaya

@ Satvika was born to the couple. The parties were at loggerheads after an FIR bearing No. 341 dated 12.08.2015 was got registered against the husband for enticing another women. The wife alongwith child thereafter had been thrown out of the matrimonial home on 15.08.2015. The wife claims that she does not have any source of income and, therefore, needs money for herself and the minor child whereas the respondent is working as Inspector at the time of filing of the application in Haryana Police and drawing Rs.70,000/- per month. The husband side has refuted the stand that he was getting salary as claimed by the wife and in fact the wife has already procured an order under Section 21 of the Domestic Violence Act whereby the husband has been ordered to pay maintenance @ Rs.11,000/- per month to the wife and the child.

Appreciating the submissions, the petitioner accepts in his stand as to his official status and, therefore, commensurate with the same and the salary emoluments and the fact that the claim of the husband that the wife is working as a teacher in a private school is not supported or proved by any cogent evidence and records. The Court below had rightly taking the salary has awarded the maintenance allowance. The claim the amount being highly excessive because the wife has been awarded maintenance in domestic violence case but to the query of the Court, the respondent side could not show whether

any such amount has been received by the wife or not and in absence of tangible stand, therefore, is no ground to accept the claim of the petitioner. Though, the wife is at liberty to lay claim to any of the maintenance under the various provisions of law as per her wishes but cannot receive under more than one provision.

Keeping in view the fact that the parties are yet to lead evidence and the wife is supposed to keep and maintain herself and the child commensurate with the status of her husband and in the present economic scenario of soaring trend of prices to the mind of this Court Rs.12,000/- is not on the higher side. The wife has to pay for the roof, daily needs, food and clothing etc. The child must have grown up and must have joined a school and, therefore, Rs.4,000/- per month for the child cannot be considered to be on the higher side rather the Court below has rightly at this interim stage considering the needs and requirements of the two sides awarded this amount, which cannot be termed to be illegal or unjustified. There being no merits, the petition is dismissed.

October 17, 2019

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No