

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

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CR No. 7866 of 2019 (O&M)

Date of decision: 16.12.2019

Parminder Singh

... Petitioner

Versus

Rekha Rani and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Harshit Jain, Advocate, for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner, who is a husband, is aggrieved by an order dated 20.11.2019, passed by the Additional District Judge, Sangrur.

Vide a common order that is being impugned, an application moved by the respondent-wife to impound the passport of the petitioner was rejected, whereas, the application under Section 24 of the Hindu Marriage Act, 1955, was disposed of awarding Rs.5,000/- per month by way of maintenance and Rs. 4,000/- as litigation expenses.

Concededly, respondents No.1 and 2 happen to be the wife and son of the petitioner. In her application, she had claimed maintenance @ Rs.10,000/- per month for herself and Rs. 5,000/- per month for her child, and Rs. 11,000/- were claimed as litigation expenses. Ex facie, nothing was brought on record to show if the respondent owns any movable or immovable property or was even engaged in any profitable avocation. On the contrary, the material on record reveals that petitioner had stayed abroad for a long time and was earning sufficiently well. And, currently, he was working as driver and earning Rs.30,000/- per month. No doubt, the version of the petitioner was that he was suffering from Jaundice, because of which, he had to come back to India and

was under treatment. However, as recorded by the trial court, no medical record was produced to show if the ailment of the petitioner was continual in nature and he was still suffering from any such disease. Undoubtedly, a report dated 12.10.2018 was brought on record, but no subsequent report or prescription was produced to corroborate his stand.

Be that as it may, the fact remains that the petitioner, who is an able bodied person, is under obligation to maintain his wife and minor child. Further, the petitioner had claimed Rs.10,000/- per month as maintenance for herself and Rs. 5,000/- per month for her minor child. However, the trial court awarded only Rs.5,000/- per month to both. Thus, the order dated 20.11.2019 does not warrant any interference. The petition is accordingly dismissed.

However, it is made clear that this order shall have no bearing if any revision against the impugned order is filed by the respondent-wife or is pending for further enhancement, which shall be considered on its merits, and in accordance with law.

(ARUN PALLI)
JUDGE

December 16, 2019

AK Sharma

Whether speaking / reasoned:

YES

Whether Reportable:

NO