

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

**CRR(F)-115-2020 (O&M)
Decided on : 28.01.2020**

Harjit Singh

. . . Petitioner(s)

Versus

Kamaljit Kaur

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Ashish Gupta, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

Present revision petition has been filed by the petitioner for setting aside the order dated 06.11.2019, passed by the Principal Judge, Family Court, Moga (for brevity 'learned Family Court'), vide which the petitioner was directed to pay maintenance @ ₹ 3500/- p.m. to the respondent-wife.

It has been submitted that the matter earlier had been settled between the parties and they had decided to part ways, and file a petition under Section 13-B of the Hindu Marriage Act, 1955 (in short 'the Act'). As per the terms of the compromise a total amount of ₹ 50,000/- as permanent alimony was to be paid to the wife. However, when the matter was posted for second motion hearing in the petition under Section 13-B of the Act, respondent-wife refused to get her statement recorded, as a result of which, the marriage between the parties under Section 13-B of the Act could not be dissolved. But the learned trial Court failed to appreciate this fact and wrongly assessed the income of the petitioner (husband) at approximately ₹ 13,500/- p.m. (i.e. ₹ 450/- per day) since he was working as a driver.

I have heard learned counsel for the parties and have gone

through the impugned order.

The amount of ₹ 3500/-, which has been assessed to be paid to the respondent-wife cannot be faulted with. The petitioner is admittedly an able-bodied person and as per his own admitted case working as a driver and thus he is obliged to maintain his wife. Learned Family Court has rightly assessed his wages as ₹ 450/- per day.

I do not find any impropriety or illegality, which would warrant interference by this Court in its revisional jurisdiction. The trial Court has passed the impugned order dated 06.11.2019 on sound legal grounds.

Consequently, the present revision petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 28, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*