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In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 1147 of 2020
Date of Decision: 17.2.2020

Avtar Singh

---Petitioner

versus

Avtansh Kaur

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Devinder Kumar, Advocate
for the petitioner

***

Rekha Mittal, J.

Challenge in the present petition has been directed against order dated 4.9.2019 (Annexure P1) passed by the Additional Civil Judge (Senior Division), Kharar whereby interim maintenance @ Rs. 25,00/- per month has been awarded in a petition under the Hindu Adoption and Maintenance Act, 1956.

Counsel for the petitioner would argue that there is dispute with regard to paternity of the child as there was marital disharmony between the petitioner and Anshpreet Kaur that led to filing of petition under Section 13-B of the Hindu Marriage Act, 1955 (in short "HMA") culminated in dissolution of marriage vide judgment and decree dated 2.1.2017 (Annexure P2). Another submission made by counsel is that interim maintenance allowed by the Court is on higher side and needs reduction.

Indisputably, in petition filed under Section 13-B HMA, there was agreement between the petitioner and his divorcee wife that custody of minor daughter of the parties namely Avtansh Kaur shall remain with the mother.

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Counsel, in response to a query, is not in a position to give any satisfactory reply that if the petitioner had admitted the minor to be born out of his wedlock with Anshpreet Kaur, can he be allowed to raise the contention with regard to paternity of the child at the stage of deciding the application for grant of interim maintenance. In this view of the matter, the first contention raised by the petitioner is patently misconceived and liable to be rejected.

So far as quantum of maintenance, the child was born on 10.4.2013 and she would be 7 years in April 2020. She is a student of Shamrock Stars School at Mundi Kharar. The petitioner can not escape his liability to provide adequate maintenance to the child. In view of soaring prices of daily necessities of life and rising demands of children, I do not find any reason to interfere in assessment of interim maintenance.

For the foregoing reasons, finding no merit, the petition fails and is dismissed in limine. However, nothing stated hereinbefore shall be construed as an expression of opinion on merits of the case.

(Rekha Mittal)
Judge

17.2.2020
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No