

113.

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

CRR(F)-154-2020

Date of decision: 06.02.2020.

GAURAV

... Petitioner

versus

VARSHA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ram Kumar Saini, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

The petitioner-husband has filed the present revision petition impugning the order dated 09.12.2019 passed by the learned Principal District Judge, Family Court, Bhiwani, whereby on an application filed by the respondent-wife under Section 125 Cr.P.C. for grant of interim maintenance, the learned Family Court, while considering the salary of the petitioner, has awarded interim maintenance to the wife @ Rs.13,000/- per month along with litigation expenses of Rs.5,500/-.

Learned counsel for the petitioner has referred to the salary pay slip of the petitioner for the Month of December, 2019 to contend that the total salary of the petitioner is Rs.16,933/- and, therefore, the awarded maintenance @ Rs.13,000/- is on higher side.

Having heard counsel for the petitioner and perusing the case file, this Court finds that while filing a petition under Section 125 Cr.P.C., the respondent has averred that the petitioner is getting a salary of

Rs.45,000/- per month and in response thereto, the petitioner has denied the salary of Rs.45,000/- but the petitioner has not mentioned as how much salary he is drawing. The pleadings in para 8 of the petition filed under Section 125 Cr.P.C. reads as under:-

“8. That the respondent is working in a Multi nation private Company known under the name and style of Oaknet Healthcare Pvt Ltd. one of Branch at Hisar as Senior Business Executive Cosmecare at Hisar and getting Rs.45000/- per month salary besides other benefit.”

Similarly the corresponding reply to para 8 reads as under:-

“8. That the contents of para No.8 of the petition are wrong, incorrect and hence denied. It is specifically denied that respondent is earning the alleged income of Rs.45,000/- per month as alleged. Rather he is hardly meeting both ends meet what to speak of earning Rs.45,000/-. He is having the responsibility of his ailing old aged parents upon his shoulder. On the other hand the petitioner is an able bodied lady and is a Graduate and is imparting tuition to the students of upto 12th standard and is easily earning more than Rs.20,000/- per month. Besides it the father of the petitioner is serving as a Mechanic in Haryana Roadways, Bhiwani Depot, Bhiwani and is getting a monthly salary of more than Rs.70,000/- per month. She is not at all entitled to get any alleged maintenance allowance from the answering respondent.”

The argument of counsel for the petitioner that the petitioner is drawing salary @ Rs.16,933/- per month, cannot be accepted at this stage as the petitioner has neither placed that certificate before the court at the time when interim maintenance was fixed nor he has pleaded in his reply.

In view of this, learned counsel for the petitioner seeks withdrawal of present petition so as to file an application to seek modification of the order.

Without observing anything on the merits of the case, the petitioner is permitted to withdraw the present petition with liberty to move an appropriate application before the trial Court and this court has no doubt that the trial Court will take note of that application and will decide the same.

Dismissed as withdrawn with liberty aforesaid.

(HARI PAL VERMA)
JUDGE

06.02.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No