

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

CRR No.75 of 2017 (O&M)
Date of Decision: February 25, 2020

Vijay Kumar Mehra

...Petitioner

Versus

Shobha Mehra

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sachin Mittal, Advocate
for the petitioner.

Mr. Nihul Pratap Singh, Advocate
for the respondent.

JAISHREE THAKUR, J. (Oral)

1. The instant criminal revision has been filed seeking to challenge the orders dated 27.07.2013 and 02.09.2016 passed by the courts below under the Protection of Women from Domestic Violence Act, 2005 (for short 'DV Act') whereby, the petitioner-husband has been directed to pay ₹ 7000/- per month as maintenance to the respondent-wife, apart from ₹4000/- per month for obtaining the rental accommodation, if she was not willing to live with the husband.

2. The brief facts of the case are that a marriage was solemnized between the petitioner and the respondent on 12.10.1976 as per Hindu rites and ceremonies, out of which wedlock two male children were born. However, the said marriage could not survive the test of the time, which

resulted in filing of a petition under Section 12 of the D.V. Act by the respondent-wife. The petition was contested by the petitioner-husband, however, taking into account the income and expenditure of the parties, the petition was allowed by the JMIC, Gurgaon by holding that the petitioner-husband is liable to pay maintenance of ₹ 7000/- per month to the respondent-wife, apart from paying a sum of ₹4000/- per month towards rental accommodation. The said order passed by the JMIC, Gurgaon was challenged in revision by the petitioner before the court below, however, the revision petition came to be dismissed by the Addl. Sessions Judge, Gurgaon. Now both the said orders passed by the courts below have been challenged in the instant criminal revision.

3. Learned counsel appearing on behalf of the petitioner would argue that the courts below have failed to appreciate the fact that the respondent-wife is earning handsomely, as such, the amount of maintenance as fixed by the courts below is liable to be reduced. It is submitted that that the petitioner is physically handicap with 40% disability and getting only a sum of ₹ 9000/- per month as rental income.

4. Per contra, learned counsel appearing on behalf of the respondent-wife would argue that the orders passed by the courts below are well reasoned and no ground is made out to interfere with the same.

5. I have heard counsel for the parties and with their able assistance have gone through the pleadings of the case.

6. The factum of marriage is not in dispute between the parties. The JMIC, Gurgaon, while allowing the petition filed by the respondent-wife under the DV Act has observed that the both the parties are residing in

the same house on the ground floor and the second floor respectively. It has been further observed that there is huge disharmony between the parties and the petitioner-husband is causing harassment by either disconnecting the electricity connection or by locking the meter or by constantly threatening the respondent-wife to dispossess the said house and all these facts have been supported by the domestic incidence report submitted by the Protection Officer. The JMIC, Gurgaon, after taking into account the income of both the sides, has directed the petitioner-husband to pay ₹ 7000/- per month as maintenance to the respondent-wife, apart from ₹4000/- per month for obtaining the rental accommodation, if she was not willing to live with the husband. The findings recorded by the JMIC, Gurgaon were affirmed in appeal by the Addl. Sessions Judge, Gurgaon.

7. In the present case, the petitioner-husband is getting rental income to the tune of ₹18,000/- per month. Further, the petitioner-husband is getting income from FDRs of his award received by him in a claim case and he has two bank accounts. Under these facts and circumstances of the present case, this court does not find any illegality in the impugned orders so passed by the courts below, as the amount of maintenance as fixed for the respondent-wife cannot be said to be excessive. The instant criminal revision stands dismissed accordingly, being devoid of any merits.

February 25, 2020

vijay saini

(JAISHREE THAKUR)
JUDGE

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