

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

CRM-M No.31625 of 2019
Date of Decision.05.03.2020

Chanmeet Singh

...Petitioner

Vs

Harpreet Kaur

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Karan Garg, Advocate
for the petitioner.

Mr. Bhavesh Aggarwal, Advocate
for the respondent.

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JAISHREE THAKUR J. (ORAL)

Counsel for the petitioner seeks to challenge the order passed by the Additional Sessions Judge, Ludhiana modifying the order of JMIC, Ludhiana wherein the amount of maintenance fixed at ₹4000/- per month has been enhanced to ₹10,000/- per month.

Learned counsel appearing on behalf of the petition, *inter alia*, would contend that the mother has two other children, who are also morally duty bound to maintain her, however, for reasons best known to her, she filed the petition only qua the petitioner. It is also submitted that he is sole proprietor of M/s Rattan Singh Jaswant Singh and earns approximately ₹71,000/- per month and has two minor children to educate, apart from having a household to take care of. The amount of maintenance as assessed is excessive. It is argued that he was made proprietor of the said firm on the basis of a Will dated 14.05.2013 and he was given right of residence

measured approximately 240 sq. yards by way of a gift deed in the ancestral property.

Per contra, learned counsel appearing on behalf of the respondent-Harpreet Kaur would argue that the petitioner herein is relying upon a Will dated 14.05.2013 but the same was revoked subsequently by a new Will, which came into existence on 07.11.2013. It is argued that in the said Will, the testator had stipulated that he would nominate his grandson i.e. the petitioner herein as proprietor of the Firm that had been started by him with condition that he would provide expenditure to his son and daughter-in-law, which would be ₹12,000/- per month after a gap of every 15 days. It was also stipulated that in case expenditure is not provided, his son Kuldeep Singh and his grandson Tejbir Singh would become partners in the Firm. The petitioner herein was making payment on the basis of said Will.

I have heard learned counsel for the parties and with their assistance have also perused the pleadings of the case. Admittedly, there are two Wills that are being propounded and this Court without there being evidence would not be able to go into the said question. In view of the fact that the trial Court is seized of the said matter and evidence is likely to be concluded since the respondent herein is in the process of being cross-examined, this Court disposes of this petition by giving a direction to the trial Court to try and conclude the matter as expeditiously as possible. The petitioner herein would continue to make payment of ₹10,000/- as maintenance, which would be adjusted in case there is any reduction by the trial Court on its final determination.

Needless to say, any observation made by this Court would have no bearing on merits of the case, which is to be decided on the basis of evidence so adduced.

(JAISHREE THAKUR)
JUDGE

March 05, 2020
Pankaj*

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