

Sr.No.128

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

CRR(F) No.887 of 2019(O&M)

Date of decision:05.03.2020

Angrej Singh

... Petitioner(s)

versus

Baljeet Kaur

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Sachit Kaushal, Advocate
for the petitioner.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed for challenging order dated 29.08.2019 passed by the Court of Principal Judge (Family Court), Ludhiana whereby it was directed that the petitioner shall pay Rs. 5,000/- per month as an interim maintenance to his wife who is respondent in the present case.

Learned counsel for the petitioner has argued that in the present case, an amount of interim maintenance of Rs.5,000/- per month is very high because the petitioner is not able to pay the said amount. He has submitted that in para no.5 of the impugned judgment figure which is stated as Rs.78,000/- per month is a typographical mistake. In fact this figure is Rs.78,000/- per year. He has stated that total income of the petitioner is Rs.6,500/- per month because he is working as a Lab Technician and therefore, he cannot pay Rs.5,000/- to his wife as an interim maintenance. However, perusal of the order which has been passed by the learned Trial Court would show that although he has claimed that his income is Rs.6,500/- per month but the respondent had stated that he was working as

Lab Technician and was drawing a salary of Rs.30,000/- per month from Jain Lab, Jagraon and he was also doing a private business Mullanpaur and therefore, his income is much more than that.

Since the main petition under Section 125 Cr.P.C is pending and it is only an interim maintenance, therefore, the learned Trial Court has arrived at a safe presumption that in view of the disputed question of fact at this stage with regard to the actual income of the petitioner which was presumed to be between Rs. 12,000/- to Rs. 15,000/- per month, therefore, learned Trial Court has granted Rs.5,000/- per month as interim maintenance to the wife of the petitioner.

I have heard the learned counsel for the petitioner.

A bare perusal of the order of the learned Trial Court would show that it is a case where only interim maintenance of Rs.5,000/- per month has been granted to the wife of the petitioner. There is statutory obligation of the petitioner to maintain his wife, therefore, even without going into the figures of the income of the petitioner, an amount of interim maintenance of Rs.5,000/- per month cannot be considered as on the higher side in today's time. Therefore, keeping in view the totality of the circumstances, I do not deem it fit and appropriate to interfere in the present case. Consequently, the present case is dismissed.

5th March, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*