

202.

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

CRR(F)-919-2019 (O&M)

Date of decision: 05.03.2020.

JASKIRAT SINGH

... Petitioner

versus

JASPREET KAUR AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

Mr. Anupam Bhardwaj, Advocate,
for respondent No.1.

HARI PAL VERMA, J.(Oral)

Petitioner-husband has filed the present revision petition impugning the order dated 25.07.2019 passed by the learned Family Court, Amritsar whereby on a petition filed by the respondents under Section 125 Cr.P.C., the learned Family Court has awarded interim maintenance @ Rs.10,000/- per month to respondent No.1 (wife) and Rs.5,000/- per month to respondent No.2 (minor son).

Learned counsel for the petitioner has argued that the awarded maintenance, even if it is interim in nature, is on higher side, more particularly when the total salary of the petitioner is Rs.43,000/- per month and out of this amount, he has to pay Rs.19,000/- towards loan installment. In this manner, out of the remaining Rs.24,000/-, the petitioner is being required to pay Rs.15,000/- per month to the respondents. It is difficult for the petitioner to survive on the meagre amount, more particularly when he is

also living in a rented accommodation, whereas the respondents are staying in matrimonial home. He has further argued that respondent No.1 is also working.

The argument of counsel for the petitioner that respondent No.1 is also working, cannot be accepted as there is no such evidence to support such contention.

Apart from the fact that the awarded maintenance is interim in nature, the argument of the counsel for the petitioner that though the petitioner has purchased a plot in the joint name of the petitioner and in the name of respondent No.1 by availing loan from the family friend also needs to be outrightly rejected as petitioner has availed loan from the bank in the year 2019, whereas the plot was purchased in the year, 2015. There is no such evidence on record to suggest that the petitioner has availed loan from his friends. These issues are to be considered during the course of trial.

The awarded maintenance being interim in nature and the claimants are the wife and minor child, no ground for interference is made out.

Dismissed.

The observation, if any, made in this order shall not be construed as an expression on the merits of main case which is otherwise to be decided by the trial Court.

(HARI PAL VERMA)
JUDGE

05.03.2020
sanjeev

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