

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 6381 of 2018 (O&M)
Date of decision : January 20, 2020

Mahavir Singh

....Petitioner

versus

Kavita

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Deepender Singh, Advocate, for the petitioner

Mr. Manoj Kaushik, Advocate, for the respondent

Fateh Deep Singh, J. (Oral)

Marriage of present petitioner Mahavir Singh was solemnized with respondent Smt. Kavita and during the course of their matrimonial life a disaccord crept into their relations and as a consequence of which matrimonial disputes erupted between them. It is in the petition under Section 13 of the Hindu Marriage Act filed by the petitioner seeking divorce from the respondent wife, a petition under Section 24 of the Hindu Marriage Act was moved by the wife seeking maintenance. The court of learned District Judge,

Family Court, Faridabad through impugned findings dated 20.7.2015 considering the economic status of the husband granted Rs 14,000/- per month to the wife besides litigation expenses of Rs 11,000/-. The husband moved application for review of the said order in terms of Section 114 read with Sections 151 and 152 of CPC but the same stood declined vide orders dated 28.3.2017. Thereafter the present revision petition has come about from the side of the husband.

Heard counsel for the parties and perused the records.

It is not in any manner displaced by the counsel for the petitioner that the husband is a well qualified educated person employed in the Ministry of Defence getting salary of Rs 40,000/- per month. The averments of the counsel for the petitioner that the wife is earning Rs 15,000/- per month from tuition and having rental income of Rs 30,000/- per month has been rightly displaced by the counsel for the respondent. The husband is a Technical Officer in Defence R & O Organization. It is the affidavit by the wife and the documentary proof which has not been refuted that the husband is getting gross salary of Rs 42,448/- and there is nothing to establish that the wife too is earning or getting any money from any other source. Keeping in view the status of the husband and his

earnings, grant of Rs 14,000/- per month as maintenance pendente-lite does not appears to be on the higher side and is rather 1/3rd of the salary of the husband and which is the appropriate consideration that has been arrived at between by the court below. The averment of counsel for the petitioner that the husband has succeeded in securing divorce are not within the ambit of the present revision for which the petitioner may invoke appropriate legal remedy. It is pertinent to mention here that any instalment of loan etc. so secured by the husband is not to be considered in making such an order. Counsel for the petitioner could not convince this Court how the impugned order is illegal and infirm and needs to be set aside. Finding no merit, the revision petition stands dismissed.

January 20, 2020
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No