

Loveleen Garg

.....Petitioner

versus

Ria Rani and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent:- Mr. Sherry K. Singla, Advocate
for the petitionerMr. PKS Phoolka, Advocate
for respondent No. 1

Sudhir Mittal, J. (Oral)

The petitioner is the husband. An application has been filed by his wife namely Ria Rani before the Family Court at Bathinda for maintenance allowance/permanent alimony. During the pendency thereof an application for grant of ad interim maintenance was filed, which has been allowed vide order dated 02.03.2020 and the petitioner-husband has been directed to pay ad interim maintenance of Rs. 15000/- per month apart from litigation expenses of Rs. 5000/-.

Learned counsel for the petitioner has argued that the minor daughter born out of the wedlock is with the petitioner-husband and she has heart condition i.e. hole in the heart. She is required to undergo surgery for which the petitioner is bearing all the expenses. The said fact has not been taken into consideration while determining ad interim maintenance. That apart, the first respondent-wife is a person of means. She has transferred a Fixed Deposit Receipt of Rs. 10 lacs in favour of her mother so that she could claim maintenance by showing that she does not possess means of sustenance. This fact has also not been noticed by the trial Court. Still, further, in the complaint filed under Section 12 of the Protection of

from Domestic Violence Act, 2005, the Court has granted ad interim maintenance of Rs.3000/- per month vide order dated 23.01.2019 and the said amount is liable to be deducted from the amount awarded by the trial Court.

Having heard learned counsel for the petitioner and having perused the impugned order, I am of the opinion that the revision petition merits dismissal. Although, the medical condition of the daughter has been pleaded in the written statement. No evidence regarding the expenses incurred on her treatment has been placed on record. Thus, the trial Court was justified in rejecting the contention on the ground of lack of evidence. Regarding the first respondent-wife being a person of means, the evidence being relied upon in the review petition was not placed before the trial Court and, thus, could not have been taken into consideration. The matter regarding adjustment of amount payable under the provisions of the Protection of Women from Domestic Violence Act, 2005 has already been taken care of in the impugned order.

For the aforementioned reasons, the revision petition has no merit and is dismissed.

January 22, 2021

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No