

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

CRR(F)-28-2021(O&M)
Date of decision:-5.2.2021

Varun Jagotta

...Petitioner

Versus

Diksha Kapur

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Dr.Rohit Samhotra, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner Varun Jagotta son of Sh.Bioan Jagotta has filed the instant revision petition against his wife Diksha Kapur, feeling aggrieved by the order dated 5.3.2020 passed by Principal Judge, Family Court, Panchkula, allowing application for grant of interim maintenance in petition under Section 125 Cr.P.C. filed by his wife Diksha against him and granting interim maintenance @ Rs.20,000/- per month from the date of filing of application till September, 2019 and thereafter @ Rs.28,000/- per month.

The revisionist is basically aggrieved by the portion of the impugned order granting maintenance @ Rs.28,000/- per month to applicant/wife w.e.f. October, 2019 onwards.

I have heard learned counsel for the revision/petitioner besides going through the record and I find that there is no merit in the revision petition.

The concluding para of the impugned order is very relevant for the purpose of decision of the present controversy and is being reproduced as under:

12. *In the light of aforesaid discussions and taking note of the fact that there has been increase in the salary of the respondent from Rs.95,000/- per month to Rs.1,14,000/- per month in September, 2019 and there has been increase in rent being paid by the petitioner at the rate of Rs.1,500/- per month from 01.11.2019 onwards, this Court is of the considered opinion that if the petitioner is awarded a sum of Rs.20,000/- per month by way of interim maintenance from the date of filing the application (on 03.10.2018) till September, 2019 and henceforth, at the rate of Rs.28,000/- per month, it would suffice the purpose and ends of justice would be met. The application in hand stands allowed accordingly in aforesaid terms. Any amount paid by the respondent of his own or in pursuance of any order passed by any Court of competent jurisdiction in any proceedings, during the pendency of the application and thereafter, the main petition or in any other proceedings at any stage, shall be adjustable towards the aforesaid amount. It is made clear that the observations made herein before shall have no*

bearing on the merits of the main case.

It needs to be mentioned here that the present revision petitioner Varun Jagotta has filed a petition for divorce against his wife Diksha Kapur in which the latter had moved an application under Section 24 of Hindu Marriage Act, which was accepted by the trial Court and maintenance *pendente lite* @ Rs.10,000/- was granted to her. However, when that order was challenged in this Court by the aggrieved wife, the amount was enhanced to Rs.20,000/- per month vide order dated 8.5.2019 passed in CR No.1169-2019. The said order has become final between the parties. Therefore, as far as grant of interim maintenance to the wife @ Rs.20,000/- per month, the revision petitioner cannot challenge the same now.

Learned counsel for the revision petitioner drawing my attention to the salary certificate of the revision petitioner contended that as per pay slip of the petitioner for the month of December, 2019, his net carry home salary after all the deductions come out to Rs.92,175/-, therefore, grant of maintenance @ Rs.28,000/- per month w.e.f. October, 2019 is not justified. However, I am not convinced by this contention. The salary of petitioner having increased from Rs.95,000/- per month to Rs.1,14,000/- per month in September, 2019 and there being increase in rent paid by petitioner from 1.11.2019 onwards as observed by the trial Court increase in maintenance by Rs.8,000/- when there is increase in salary of revision petitioner by 19,000/-, is justified.

I find that the impugned order is detailed and well reasoned.

The law is well settled that the revisional jurisdiction of this Court is quite

limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the order passed by a Court below or the same is perverse and not otherwise. The impugned order does not appear to be suffering from any illegality or infirmity much less apparent on the face thereof. The order is certainly not perverse or passed in an arbitrary manner. There is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

Finding no merit in the revision petition, the same stands dismissed.

5.2.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No