

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 879 of 2019 (O&M)
Date of Decision: January 18, 2021

Charanjit Singh

..... Petitioner(s)

Versus

Daljit Kaur

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Jasneet Mehra, Advocate for the petitioner.

None for the respondent.

LISA GILL, J.(oral)

As per office report, notice issued to the respondent was received back as served through her sister-in-law, however, none has been appearing on behalf of the respondent. I do not find any justification for further adjournment of the petition on this ground.

Petitioner in this case is aggrieved of order dated 19.12.2018, passed by learned Additional District Judge, Amritsar, whereby a sum of Rs.10,000/- has been awarded as maintenance pendente lite in the application under Section 24 of the Hindu Marriage Act in the petition under Section 13 of the Hindu Marriage Act, filed by the present petitioner. It is submitted that the petitioner, who is working as a Social Studies Teacher has to bear responsibility of two minor children born out of his wedlock with the respondent as well as look after his old aged parents.

Learned counsel for the petitioner vehemently argues that

Amritsar vide the impugned order and same is required to be reduced and specifically keeping in view the categoric assertion of the petitioner that respondent is living in adultery. Learned counsel for the petitioner argues that entire amount of salary of Rs.54,500/- is utilized by the petitioner, therefore, it is not possible for the petitioner to pay a sum of Rs.10,000/- per month to the respondent. She has referred to a chart reproduced in para 16 of the petition, which reads as under:-

EMI	21,293/-
INSURANCE PREMIUM	6,500/-
CHILDREN EDUCATION	15,000/-
GROCERY	3000/-
ELECTRICITY BILL	3000/-
PETROL (DAILY TRAVEL OF 120 KM TO REACH WORK PLACE)	5,000/-
TOTAL	53,793/-

It is thus prayed that this petition be allowed and the impugned order dated 19.12.2018, passed by the learned Additional District Judge, Amritsar be set aside.

I have heard learned counsel for the petitioner and have gone through the file.

Pendency of the petition under Section 13 of the Hindu Marriage Act, filed by the petitioner is not in dispute. Respondent-wife, in this case filed an application under Section 24 of the Hindu Marriage Act, seeking maintenance pendente lite on the ground that she has no independent source of income and does not possess any moveable or immovable property in her name. The petitioner was claimed to be working as a Government Teacher, drawing salary of Rs.70,000/- per month, besides being owner of six (6) shops and agricultural land in Baba Bakala. Maintenance to the tune of Rs.40,000/- per month along with Rs.50,000/- as litigation expenses was

Present petitioner admitted that he was working as a Teacher in a Government School on contractual basis at that time. His services were regularized in October 2018. It is admitted that he is drawing a salary of Rs. 70,000/- per month, though ownership of the shops and agricultural land except 5 Kanals 10 Marlas is denied. Learned Additional District Judge, Amritsar has considered the fact that petitioner was getting a carry home salary of Rs.54,500/- in October, 2018. The question whether respondent was living in adultery with one Sukhjinder Singh, it is rightly observed is a matter of adjudication in the main petition. In this view of the matter, sum of Rs.10,000/- was assessed to be paid as maintenance pendente lite to the respondent-wife. It is further clarified that any maintenance amount received by the respondent/applicant in any other proceedings i.e. under Section 125 Cr.P.C. or Domestic Violence Act, 2005 would be considered as valid discharge against the maintenance amount awarded in the present proceedings and would be adjusted with the amount awarded in the present proceedings. The petitioner had been afforded liberty of clearing arrears in five installments. Learned counsel for the petitioner at this stage is unable to inform whether entire arrears of maintenance as directed by learned Additional District Judge, Amritsar have been cleared.

In my considered opinion no ground is made out for any interference in this revision petition. The petitioner has admitted that he was drawing a salary of Rs.70,000/- per month. His services have thereafter been regularized and it is opposed to all logic that in such a situation his salary would have decreased as is sought to be agitated. Learned counsel is unable to point out anything substantial on record to indicate such a situation. I do

Additional District Judge, Amritsar is excessive in the given circumstances or is required to be reduced.

Learned counsel is unable to point out any infirmity, illegality or irregularity in impugned order dated 19.12.2018, passed by the learned Additional District Judge, Amritsar, which calls for interference by this Court in exercise of revisional jurisdiction.

Revision petition is accordingly dismissed.

January 18, 2021

Sunil

**(Lisa Gill)
Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No