

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

CRR No. 136 of 2021

DATE OF DECISION :- February 16, 2021

Dinesh Jindal

...Petitioner

Versus

Manju

...Respondent

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

Present:- Mr. Rajinder Mathur, Advocate for the petitioner.

The case has been taken up through Video Conferencing.

This revision petition is directed against order dated 4.2.2020 passed by the Court of Additional Sessions Judge-cum-Principal Judge, Camp Court, Narwana vide which he had granted interim maintenance at the rate of Rs.10,000/- to Manju, wife of present revisionist Dinesh Jindal. The revisionist prays that the impugned order be set aside and application for grant of the interim maintenance be dismissed/modified.

Briefly stated the facts of the case are that applicant Manju, aged about 23 years, wife of present revisionist Dinesh Jindal, presently residing with her parents at Rajindra Colony, Uchana Mandi Sub-Teh. Uchana, District Jind has filed a petition under Section 125 Cr.P.C. for grant of maintenance against her husband Dinesh Jindal alleging that after their marriage on 20.5.2013 they resided together as husband and wife; the marriage was consummated though the couple was not blessed with any child; the applicant was harassed, maltreated by her husband and his family

members who were not satisfied with the dowry articles brought by her and ultimately on 13.8.2018 she was turned out of the matrimonial home after giving severe beatings; Since then she is residing with her parents; she does not have any source of income, as such is dependent upon her parents. Her husband, the respondent despite having sufficient means has neglected and refused to maintain her.

On getting notice of that application, the respondent husband had appeared and opposed the application. The learned trial Judge vide impugned order has granted interim maintenance at the rate of Rs.10,000/- per month payable by respondent-husband. The reasoning given by him for arriving at such decision is as follows :-

“Although, petitioner has asserted that respondent is dealing in business of manufacturing of bags in large scale under the name and style of Jindal bag house, Uklana Mandi and is earning monthly income more than Rs.50,000/- per month, but she failed to produce any documentary proof like income tax return etc. showing his exact monthly income and so his income can be determined after adducing evidence by parties. However respondent has admitted that he is running shop in the name of Jindal Bag House in Uklana Mandi and so, his monthly income being able bodied person and businessman by profession cannot be considered less than Rs.30,000/- per month. It is admitted fact that respondent did not pay even a single penny to the petitioner since separation and he also filed divorce petition against petitioner which is pending adjudication. This relevant fact about non payment of maintenance would draw adverse inference in saying that respondent has neglected to keep and maintain her properly. Unquestioned, it is solemn duty of husband to keep and maintain his legally wedded wife according to his financial status, especially in the circumstance, when wife does not have

source of income to maintain herself. Except petitioner, respondent has no other liability to maintain. There is rising prices of basic commodities like sky rocketing and so, adequate interim maintenance ought to be awarded according to financial status of respondent. Looking into entire factual aspects and without expressing any opinion on merit, this Court finds justification in directing respondent to pay interim maintenance allowance of Rs.10,000/- per month to the petitioner, which shall be payable from the date of filing this petition till its final disposal. It is, however, made clear that respondent shall clear entire arrears of interim maintenance allowance within two months positively, failing which, coercive method may be adopted qua respondent. Further, respondent shall pay or deposit monthly maintenance allowance of Rs.10,000/- by 10th of each month, directly in the bank account of petitioner without any fault. Accordingly, instant interim application is hereby allowed partly with cost of Rs.2200/-. Adjourned to 31.3.2020 for its compliance and PWs.”

I have learned counsel for the the petitioner besides going through the record and I do not find any illegality or infirmity with the impugned order. The revisionist husband does not deny that he is running a shop in the name of Jindal Bag House in Uklana Mandi. Further, he is an able bodied young man engaged in business, therefore, the trial Court has rightly assessed his monthly income to be Rs.30,000/-. It has to be kept in view that even manual labourers manage to earn around Rs.5,00/- per day. The minimum wages for unskilled labourers are around Rs.10,000/-, therefore, monthly income of revisionist husband having been taken to be Rs.30,000/- cannot be said to be on higher side. The revisionist husband is not shown to have any other liability to discharge. Considering the trend of rising prices of things of basic needs the award of interim maintenance at the rate of Rs.10,000/- per month to applicant wife cannot be said to be on

higher side. The respondent husband is feeling aggrieved unnecessarily.

I do not see any reason to interfere with the impugned order in any manner. The revision petition is found to be without merit and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

February 16, 2021
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No