

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-19631 of 2018 (O&M)  
Date of decision : January 06, 2021

Mohit

....Petitioner

versus

Pooja

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present: Mr. Rahul Bhargava, Advocate for the petitioner

Mr. Vivek Goyal, Advocate, for the respondent

**Fateh Deep Singh, J.**

The present petitioner Mohit being husband and respondent Pooja who happens to be his wife had entered into a wedlock on 12.10.2013. During the course of matrimonial life, a dispute arose between the parties whereby the wife filed an application for maintenance under Section 125 Cr.P.C. Annexure P/1. During the pendency of the same, wife filed an application Annexure P/3 seeking interim maintenance from the husband. The court of learned Judicial Magistrate Ist Class, Kurukshetra vide orders dated 13.12.2016 Annexure P/3 holding that the husband was earning Rs

1,50,000/- per month directed him to pay Rs 5000/- per month as interim maintenance.

The wife thereafter impugned the said order in revision under Section 397 Cr.P.C. and the court of learned Additional Sessions Judge, Kurukshetra through impugned orders dated 19.4.2018 Annexure P/5 enhanced the interim maintenance to Rs 30,000/- per month from the date of filing of the application for grant of interim maintenance. It is against this very order, the husband has come up in this invocation by virtue of Section 482 Cr.P.C. seeking quashment of the orders Annexure P/5.

Heard Mr. Rahul Bhargava, Advocate for the petitioner; Mr. Vivek Goyal, Advocate, for the respondent and perused the records.

It is the claim of the wife that the husband is working as an Engineer in firm known as Foresight I.T. Solutions and Consulting India Pvt. Ltd. and is earning Rs 1,50,000/- per month as salary. On the other hand, the wife claims that she is a student of Law studying and living in Ambala district and has to pay her yearly fee of Rs 41,000/- and other incidental charges. It is the stand of the husband that the wife had levelled unsubstantiated allegations and denied that she is entitled to interim maintenance so sought by her and has termed her to be quarrelsome lady, filing false and frivolous cases against the husband and has left the matrimonial home on her own accord. It is not denied by the husband that he is not an Engineer

though has denied his engagement with the company in question so claimed by the wife. It is also denied by the husband that wife is not a student of Law and has to look after her studies on her own.

Heard.

There is nothing substantial brought on the record by the husband that she has her own independent income. Mere refuting and denying the allegations does not subserve the purpose. The learned court below has relied on the salary slip depicting the salary of the husband as Rs 1,35,484/- and during the pendency of the present petition is shown to have resigned on 23.8.2018 rather is reflective that all is not well with the conduct of the husband. The husband is a well qualified person and in view of the proven salary must be maintaining good life style and the wife needs to be allowed quality of life to which she is attuned as a wife of the petitioner-Mohit. The court below had given a well reasoned order that for survival and study of the wife she certainly is entitled to enhancement of maintenance from Rs 5000/- to Rs 30,000/- per month. Though counsel for the petitioner-husband has sought to impress upon this Court the unreasonableness of the same. However, having regard to the fact that the wife has to pay for her tuition fees, books and miscellaneous charges besides she needs living accommodation, food, medicine etc. as well as conveyance charges. Keeping in view the standard of living of the husband and commensurate with it, the

wife ought to maintain herself especially in this era of rising trend in prices impels this Court to hold that there appears to be no illegality and perversity in the findings of the learned Additional Sessions Judge, Kurukshetra. Moreover, powers under Section 482 Cr.P.C. are to be sparingly used to meet the ends of justice and nothing is discernible from the two sides to this effect. Finding no merit, the present petition stands dismissed.

January 06, 2021

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( Fateh Deep Singh )  
Judge

*Whether speaking/reasoned ?*  
*Whether Reportable ?*

Yes/No  
Yes/No