

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

**CRR(F) No. 103 of 2021 (O&M)
Date of Decision: 22.03.2021**

Vishal Chalia

Petitioner

Versus

Preeti Tanwar

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ramesh Goyat, Advocate for the petitioner.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is being filed aggrieved of the order dated 12.2.2020 fixing interim maintenance of Rs.7,000/- per month under Section 125 Cr.P.C.

The respondent-wife filed an application under Section 125 Cr.P.C. pleading that after the marriage she was subjected to cruelty and forced to live separately. She has no source of income. The petitioner-husband is MBA and a fashion designer and doing private job and getting salary of Rs. 40,000/- per month.

The fixing of interim maintenance was resisted stating that the respondent-wife was a qualified person and serving in a private school. The pleading with regard to the qualification and the husband having income of Rs.40,000/- per month was merely baldly denied.

Considering the facts and the fact that there is no proof of income of either side, the court below fixed an interim maintenance of Rs.7,000/- per month from the date of filing of application and further awarded Rs.11,000/- as litigation expenses.

Learned counsel for the petitioner vehemently argues that the interim maintenance fixed is on the higher side. In the absence of any evidence income of the petitioner should have been assessed as a labourer. The contention is that the petitioner is un-employed and is on look out for a job.

It would be appropriate to note at this stage that even in the present petition no evidence or supporting document with regard to the source of income or assets and liabilities of the petitioner is filed. The contention that income of the petitioner should be considered as a labourer and thereafter interim maintenance should be fixed, is noted to be rejected. The pleadings that the petitioner is a fashion designer and MBA have not been denied. It would not be appropriate to equate the petitioner with a labourer. While fixing interim maintenance, the cost index and status of the parties is to be considered.

The maintenance fixed is only an interim provision subject to final decision which shall be after considering the evidence adduced.

No interference is called for in the impugned order.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

22nd March, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |