

Civil Revision No. 982 of 2021
Date of decision : April 27, 2021

Sanjeev Kumar

.....Petitioner

Versus

Rubi

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dharam Bir Bhargav, Advocate for the petitioner.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this revision petition is for setting aside order dated 05.03.2021 passed by the learned Additional Principal Judge (Family Court), Ambala whereby application under Section 24 of the Hindu Marriage Act, 1955 filed by the respondent – wife, has been disposed of, while directing the petitioner to pay maintenance at the rate of Rs.15,000/- per month from the date of filing of the application till the decision of the petition alongwith litigation expenses of Rs.11,000/-.

Petitioner is admittedly working as Constable with Haryana Police. As per salary statement for the month of January 2019, petitioner is in receipt of net salary of Rs.33,712/-. It is not in dispute that the respondent is the legally wedded wife of the petitioner and there is a minor child born out of the wedlock who is being looked after by the respondent – wife. Petition under Section 13(1)(ia) of the Hindu Marriage Act has been filed by the petitioner. Respondent – wife sought maintenance pendente lite at the rate of Rs.30,000/- per month.

Learned counsel for the petitioner submits that excessive maintenance has been awarded by the learned Family Court, Ambala. It is submitted that his father is a pensioner having retired from Haryana Police, therefore, the petitioner is

solely bound to look after his family as well, which consists of his aged parents, two unmarried sisters and a younger brother. It is further submitted that a sum of Rs.15,000/- per month was also directed to be paid as maintenance to the respondent – wife in proceedings under Section 125 Cr.P.C. vide order dated 05.03.2020 by the learned Family Court, therefore, petitioner would in fact be left with nothing for his own sustenance. It is, thus, prayed that this petition be allowed.

Heard, learned counsel for the petitioner and have gone through the file with his assistance.

Respondent is admittedly petitioner's legally wedded wife. There is a minor child born out of the wedlock being looked after by the respondent – wife. Petitioner's father is admittedly a pensioner having retired from Haryana police, therefore, argument that petitioner has to bear the burden of the entire family is clearly incorrect. Learned Family Court has observed that as per the salary statement of November 2019, petitioner is in receipt of net salary of Rs.33,712/- per month. Respondent – wife is not proved to be having any independent source of income at this stage, though it has been argued that she is earning a handsome amount from stitching of clothes and knitting. Learned counsel for the petitioner is unable to deny that there is no evidence to substantiate the same.

Perusal of the impugned order as well as order of even date in the proceedings under Section 125 Cr.P.C. reveal that learned Family court has specifically mentioned that the maintenance granted to the respondent in any other proceedings would be adjusted against maintenance granted in that particular proceedings. Thus, clearly the argument that sum of Rs.30,000/- has to be shelled out by the petitioner is devoid of any merit. In the given facts and circumstances, sum of Rs. 15,000/- has been rightly directed to be paid as maintenance by the

learned Family Court. I do not find any ground whatsoever to reduce the said amount.

Accordingly, present revision petition being devoid of any merit is dismissed.

April 27, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No