

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : January 21, 2021

1. Civil Revision No. 2339 of 2020 (O&M)

Prabhsukhman KaurPetitioner

versus

Anchit Singh PannuRespondent

2. Civil Revision No. 2403 of 2020 (O&M)

Anchit Singh PannuPetitioner

versus

Prabhsukhman KaurRespondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Pushpinder Kaushal, Advocate for
Prabhsukhman Kaur petitioner in CR-2339-2020 &
respondent in CR-2403-2020

Mr. Sunil Chadha, Senior Advocate with
Mr. Akshay Chadha, Advocate for Anchit Singh Pannu
petitioner in CR-2403-2020 and respondent in
CR-2339-2020

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing
on account of outbreak of pandemic COVID-19.

Both these revision petitions being an outcome of same very order dated 31.8.2020 of the court of learned Additional Sessions Judge, SAS Nagar, Mohali are thus being taken up together for disposal through this common order.

It is fairly admitted stand of the two sides that Anchit Singh Pannu is the husband and Prabhsukhman Kaur is the wife who solemnized their marriage on 5.2.2017 but no child was born out of this wedlock. During the course of matrimony, a dispute arose between the couple and the husband Anchit Singh Pannu filed a petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (in short the Act) seeking divorce from the wife Prabhsukhman Kaur. In that very petition the wife moved an application under Section 24 of the Act seeking maintenance *pendente lite* to the tune of Rs 3,50,000/- per month besides litigation expenses of Rs One lac. The said application was disposed of by the learned lower court and that is how the husband has filed CR-2403-2020 over the amount being highly exaggerated and the wife has filed CR-2339-2020 that amount was meager.

Appreciating the arguments of the two sides, the wife herself admittedly is a BDS doctor and claims to be a national level shooter. The wife claims that the husband is running a restaurant and bar independently from his family who too are running restaurant in and around tricity and therefore, claims that the family has income of

between Rs 6 to 7 lacs per month besides the fact that father of the husband is serving in Merchant Navy from where he gets Rs 8 to 10 lacs per month which is non taxable and claims that she has to upkeep and maintain herself as she has no income of her own and was totally dependent on the husband and for which she claims that she has to carry on with her shooting practice at Chandigarh and Delhi Firing Ranges and thus has to spend huge amount to carry on with her avocation.

The husband on the other hand has termed the wife to have set up a false and frivolous plea of concocted allegations and being qualified doctor was earning Rs 50,000/- per month while working with Infinity Smile Dental Center, Panchkula besides earning money from various shooting competitions. It is further the plea of the husband that the wife owns agricultural land measuring around 60 kanals and from where she is getting income of Rs 5 lacs per annum. There is claim and counter-claim by the two sides that each of the spouse is maintaining fleet of luxurious cars.

Appreciating the submissions, during the course of hearing arguments which are highly laced with vociferous inneundos, both the sides on the records as per their pleadings of claims and and counter-claims, appear to be from upper strata of the society keeping luxurious life styles. It needs to be kept in mind that neither of the sides have brought any substantial evidence to rebut the stand of the

other side as to this income of the other spouse which invariably leads to irresistible conclusion that the husband is carrying on hospitality business besides real estate ventures. The wife too is well placed with forays into business. Keeping in view the well established law that the husband is under bounden duty to ensure and maintain the wife to the life to which she is already accustomed to before their break up. It is quite difficult to calculate the earnings and expenditure of each of them with mathematical precision but one has to base its observations on hypothesis gathered from such claims and counter claims and the documents placed on the record and legal worth of which can only be tested at the time of evidence and it cannot be said as has been claimed by the wife side that she does not have any income and rather has landed property in her name and is maintaining cars and so is the husband. The learned lower court after going through various documents at length has rightly drawn the conclusion that the financial status of the parents of the wife do not lend much support to the claim of the husband that she was self dependent but one could keep in mind that the husband is under obligation to ensure that the life style of the wife is to commensurate to his and cannot run out of his obligation to bear for the living, maintenance and upkeep of the wife and ensure that she is able to carry on with her avocation of sport which she is pursuing. In the light of the present price index it is quite difficult to maintain one's status in life and therefore since this Court

could make out that the husband 's income is on the higher side due to his business interest while the wife is a salaried professional, therefore, the husband needs to look after the wife who admittedly as is there on the records has to pay her loans, insurance etc. as well. Considering all these circumstances, the court below has rightly held that the wife is entitled to Rs 60,000/- per month as maintenance *pendente lite* from the husband from the date of application and so the litigation expenses of Rs 50,000/-. There appears to be no illegality or perversity in these findings and parties are there before this Court not out of any legal necessity but out of egoistic compulsions. Finding no merit, both the petitions are outrightly dismissed.

January 21, 2021
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No