

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

CR No.170 of 2020

Date of decision: 13th May, 2022

Gurdeep Singh

... Petitioner

Versus

Sukrit Kaur @ Silky

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. G.S. Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate for the petitioner.
Mr. R.S. Pandher, Advocate for the respondent.

FATEH DEEP SINGH, J.

Instant civil revision by the petitioner husband Gurdeep Singh by invocation of Article 227 of the Constitution of India seeks setting aside of order dated 21.11.2019 (Annexure P1) of the Court of learned Addl. Principal Judge, Family Court, Ludhiana whereby the Court below while adjudicating an application for interim maintenance under Section 24 of the Hindu Marriage Act, 1955 awarded to the wife, present respondent, ad-interim maintenance to the tune of ₹ 10,000/- per month besides ₹ 5500/- as litigation expenses. The husband perturbed over the same, has sought to seek setting aside of the same.

Heard Mr. G.S. Punia, Senior Advocate assisted by Ms. Harveen Kaur, Advocate for the petitioner; Mr. R.S. Pandher, Advocate for the respondent and perused the records of the case.

Admittedly, the parties entered into this wedlock on 27.12.2009 and out of which a girl child was born to them on 26.10.2010. The relationship between the wife and the husband became strained and which lead to litigation between the two by way of petition under Section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights; petition under Section 13 of the Hindu Marriage Act, 1955 for dissolution of the marriage, so on and so forth.

The contentions of learned counsel for the petitioner Mr.G.S. Punia, Senior Advocate assisted by Ms.Harveen Kaur, Advocate that the learned Court of Addl. Principal Judge, Family Court, Ludhiana has fallen into an error and granted such a huge amount of ad-interim maintenance of ₹ 10,000/- per month without appreciating the fact that the husband is not bestowed with any means and is a small time employee in a private undertaking and which has been controverted by learned counsel for the respondent Mr. R.S. Pandher, Advocate pleading that the husband is a rich businessman living in a palatial house of a posh area of Ludhiana whereas the wife is unable to support herself and the minor child.

Appreciating the submissions, it is the specific stand of the wife that the husband is running business of electrical goods under the name and style of M/s Novelty Electricals in Chaura Bazar, Ludhiana and is earning approximately ₹ 2.00 lacs per month and has other immovable properties at Ludhiana from where he is getting rental

income of ₹ 1.00 lakh per month besides ₹ 1.00 lakh per annum from his agricultural land in Ludhiana. Though learned counsel for the husband has tried to refute the same however, the wife had placed on record panchayatnama/compromise whereby an undertaking was given by the family of the husband to pay a sum of ₹ 10,000/- per month to the wife besides household domestic expenses. The very economic status of the husband is well elicited from the multifarious litigation by way of complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005; a suit for declaration and mandatory injunction between the couple and above all a news item as to a robbery at the place of the husband and wherein too it is materially corroborated claim of the wife that the husband was running a shop under the name of M/s Novelty Electricals and lived in a palatial house and from where besides other articles, ₹ 15 lakhs in cash and jewellery worth ₹ 1.00 lakh was looted; are matters which leave no scope to doubt the economic status of the family of the husband. More so, it is a proposition of law that the husband is under obligation to maintain and upkeep his wife and children commensurate with his own status. The husband in these litigations accepted the fact of having agreed to give alternate property to the wife, who had sought an order of restraint against the husband over alienation of his properties, subject matter of the suits.

Though learned counsel for the petitioner has sought to claim that the wife is gainfully employed but nothing tangible could be

brought to the notice of this Court. The wife needs a roof over her head and so the minor child who with the passage of time would need education and upbringing, for which upkeep and maintenance they need money. The amount so awarded by the learned lower Court keeping in view the prevalent price-index of the country does not appear to be irrational or on the higher side. This Court does not find any illegality or perversity in the impugned findings which accordingly are upheld and the present revision petition being without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 13, 2022
rps

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