

119 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-418-2022
Date of Decision: 09.02.2022

VIJENDER SINGH

...Petitioner

Versus

MONIKA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. B.S. Mittal, Advocate
for the petitioner.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Revision petition herein, under Article 227 of Constitution of India is for quashing the impugned order dated 21.12.2021 (Annexure P-4) passed by learned Principal Judge, Family Court, Fatehabad, whereby, a sum of Rs.8,000/- p.m as maintenance has been granted to the respondent-wife.

2. Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with the respondent on 01.04.2018. However, due to some temperamental differences, the petitioner-husband filed a divorce petition under Section 13(iii) of the Hindu Marriage Act, 1955. During pendency of the said petition, the respondent-wife filed an application under Section 24 of the Hindu Marriage Act, 1955 for interim maintenance, which was allowed by the learned Family Court and a sum of Rs.8,000/- p.m as maintenance was awarded to her. Learned counsel further submits that the petitioner is not in a position to pay the said amount as he is un-employed and is dependent upon his family. He further submits that the impugned order has been passed not on the basis of income of the petitioner but the income of his family. Hence, the present petition.

3. I have heard learned counsel for the petitioner and gone through the case file.

4. The order assailed herein is premised, *inter alia*, on the following reasoning:

“7. *Relationship of husband and wife is admitted in the present case. There is nothing on record to indicate that the*

applicant/wife is earning anything. There is also no evidence that the petitioner/husband is earning Rs.1,00,000/- per month as claimed by the respondent-wife. No doubt as per the Intkal/transfer document produced on record by the applicant-respondent herself, the land in question has been transferred by the petitioner to his mother on 20.02.2020, before filing of the present application on 15.02.2021 and even before the filing of the present petition on 24.12.2020. However, a perusal of the bank account statement produced on record by the petitioner-husband himself, along with affidavit regarding assets and liabilities filed by him, the petitioner is getting payments from Cotton Corporation of India. On 27.12.2019, the petitioner received Rs.1,18,000/- from Cotton Corporation of India. Thereafter on 18.02.2020, he again received Rs.1,15,812/-. On 14.05.2020, he received a payment of Rs.1,92,500/- and on 01.08.2020, he again received Rs.95,580/-. On 08.07.2020, he received Rs.19,000/- apart from other minor amounts on different dates. Even the applicant-respondent has not stated in her affidavit regarding assets and liabilities that the petitioner is working in private company as alleged by the respondent in her application. The petitioner in his affidavit has also not stated that he is working in any private company.

8. *In this view of the matter, a sum of Rs.8,000/- per month, from the date of application i.e. 15.02.2021, as maintenance pendent lite and Rs.4,400/- as litigation expenses inclusive of lawyer's fee, to the applicant/wife, would be appropriate at this stage. Ordered accordingly. It is ordered that due maintenance pendente lite of each month shall be paid on or before 10th of every month and the arrears of maintenance pendent lite shall be cleared by petitioner/husband within 2 months from today. It is further directed that respondent shall supply her bank account on the file of this case and to Ld. Counsel for the petitioner/husband where after petitioner shall deposit each month's maintenance pendent lite in the account of the respondent wife. Maintenance amount paid in this case by petitioner/husband, shall be adjusted towards maintenance paid to applicant wife, in any other proceedings and vice versa for corresponding months."*

5. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, in the impugned order so as to exercise extraordinary revisional jurisdiction of this Court.

6. There is no room for interference in the aforesaid valid reasons recorded by the trial Court, with which I am in agreement.

7. Since learned counsel for the petitioner has strenuously canvassed before this Court that in case, notice is issued, there is likelihood of compromise between the parties, in the premise, it is made clear that a

non-interference by this Court should not be construed that if parties are willing to settle their differences, they are precluded from doing so.

8. Dismissed with liberty to the petitioner-husband to make his endeavor to settle the matter amicably.

February 09, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No