

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

CRR(F)-110-2022 (O&M)
Date of Decision: 17.02.2022

ASHISH KUMAR

... Petitioner

v/s

PREETI GUPTA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sanjeev Kumar, Advocate for the petitioner.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has impugned the order dated 05.03.2021 passed by the learned Addl. Principal Judge, Family Court, Bathinda vide which interim maintenance to the tune of Rs. 10,000/- has been awarded to his daughter i.e. respondent No.2. Besides, he has also been held liable to pay a sum of Rs.5,000/- as litigation expenses.

Learned counsel for the petitioner contends that respondent No.1 i.e. his wife is earning handsome salary and she is also equally liable to maintain the child. Furthermore, the petitioner is only working as a Salesman in a shop and earning to the tune of Rs. 15,000/- per month.

The perusal of the impugned order indicates that there are observations to the effect that the petitioner had raised a contention to the effect that respondent No.1 had received amount in lumpsum on account of past, present and future maintenance in the proceedings under Section 13-B of the Hindu Marriage Act. However, the contents of the joint petition revealed that no such amount on account of permanent alimony was ever

received by respondent No.1. Furthermore, the assertion of the respondents was to the effect that the petitioner along with his father is running a shop and earning Rs. 1,50,000/- p.m. Significantly, the petitioner had not submitted any affidavit of his assets and liabilities. Even no counter-affidavit to the affidavit of respondent No.1 was submitted in the Court to dispute the fact that the petitioner was running garments shop under the name and style of Gill Garments situated in Dhobi Bazar, Bathinda and earning therefrom. Consequently, the contention of the petitioner was not accepted. In these set of circumstances, the amount of interim maintenance as awarded by the Court below in favour of respondent No.2 cannot be termed to be excessive or not commensurate with the income and status of the petitioner.

Lastly, it would not be out of place to mention that the order of interim maintenance was passed as back as on 05.03.2021 and on a query by the Court, learned counsel for the petitioner has stated that till date no amount on account of interim maintenance has been paid.

As such, the present petition, being devoid of merit, is dismissed.

17.02.2022

Janki

**(VIVEK PURI)
JUDGE**

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