

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CR No. 337 of 2021 (O & M)
Date of Decision : 31.10.2022

Harjinder Singh

..... Petitioner

Versus

Mandeep Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present : Mr. Srajesh Sehgal, Advocate, for the petitioner

TRIBHUVAN DAHIYA, J.

1. This revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 14.1.2021 (Annexure P-3) passed by the Family Court, Mansa, whereby the petitioner/husband has been directed to pay a sum of Rs.7000/-per month as maintenance *pendente lite* from the date of filing of the application to the respondent/wife, and a sum of Rs.3000/-as litigation expenses.

2. Learned counsel has contended that the petitioner has retired from Indian Army, where he served for ten years. He is not getting any pension for the service rendered. Therefore, he is not able to pay the maintenance awarded to the respondent.

3. It is not in dispute that the respondent is legally wedded wife of the petitioner, and a daughter was born out of the wedlock. The minor daughter is in the respondent's custody. The Family Court has held that there is nothing on record to establish that the respondent/wife is earning, or that she has sufficient means to maintain herself and her daughter. The petitioner might

have retired from the Indian Army, but on that account, he cannot escape liability to maintain his wife and daughter by paying maintenance. He is under legal as well as moral obligation to do so. Besides, the amount Rs.7000/-per month awarded as maintenance *pendente lite* to the respondent/wife is not on a higher side, nor does it call for any interference.

3. There is no infirmity or illegality in the order, and it does not call for any interference by this Court.

4. Dismissed.

5. Pending miscellaneous application(s), if any, stands disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

31.10.2022

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No