

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

**1. CRR(F)-274-2022(O&M)
Date of decision :05.12.2022**

Rohit Mehta

..... Petitioner

V/S

Vandana Mehta and another

..... Respondents

2. CRR(F)-508-2022(O&M)

Vandana Mehta and another

..... Petitioners

V/S

Rohit Mehta

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Rohit Mehta, petitioner-in-person.

Mr. Berjeshwar S.Jaswal, Advocate with
Mr. Bhupeshwar Jaswal, Advocate
for the respondents.

AMARJOT BHATTI J. (ORAL)

Petitioner-Rohit Mehta, has filed revision (CRR(F)-274-2022), against impugned order dated 06.10.2021, passed by learned Additional Principal Judge, Family Court, Ludhiana, vide which Vinamra Mehta minor child had been granted ad interim maintenance of Rs.10,000/- per month and Vandana Mehta (respondent No.1) has been granted ad interim maintenance of Rs.2,000/- per month. On the other hand Vandana Mehta for herself and for her minor child, has also filed revision (CRR(F)-508-2022), against the impugned order dated 06.10.2021. Both the revisions are arising out of the same order, therefore, these are taken up together for disposal.

The facts of the case are that Vandana Mehta, for herself and being guardian of minor child Vinamra Mehta, filed the petition under Section 125 Cr.P.C., in which, they claimed ad interim maintenance. It is alleged that Vandana Mehta got married with Rohit Mehta on 01.12.2009 at hotel Marylan, Dugri Road, Ludhiana. The marriage was performed in a decent manner and sufficient dowry articles were given. Rohit Mehta and his family members started taunting her for not bringing sufficient dowry. The parents of Rohit Mehta started ill-treating her and forced her to bring monthly expenses from her parental house. On 19.01.2010, Vandana Mehta joined Patanjali Yog Peeth as a helping assistant, with monthly salary of Rs.13,500/-. She used to give her entire salary to her husband. Thereafter, she became pregnant, she was not given proper treatment in the matrimonial home. Rohit Mehta is a practicing advocate in District Court, Ludhiana having income of Rs.1,20,000/- per month. He is empanelled advocate with different companies. He is having residential house and other immovable property. He is maintaining a car, his monthly income from all sources is mentioned as Rs.2,60,000/-. On the other hand, she does not have any movable and immovable property and having no source of income to maintain herself and her minor child. Her son is studying in BCM Arya, Shastri Nagar, Ludhiana in 5th standard. She claimed ad interim maintenance @ Rs.45,000/- per month for herself, Rs.55,000/- per month for her son and litigation expenses of Rs.55,000/-.

The main petition as well as application for ad interim maintenance was opposed by Rohit Mehta (respondent in CRR(F)-508-

2022) denying all the facts stated by the petitioners. He claimed that he is a struggling advocate. He denied that he is empanelled with different companies. The petitioners have exaggerated his monthly income. He claimed that petitioner No.1 was very cruel towards him and his family. He denied to have any immovable property standing in his name. He admitted Vandana Mehta as his wife, but in August, 2014, she joined spiritual organization and renounced the world. Now they are no more husband and wife. He alleged that he is not able to maintain himself, due to lockdown. His mother is bed-ridden, since April, 2021. She needs full time attendant. The income of Vandana Mehta as Ayurvedic doctor is much more than his income. It was prayed that the petitioners are not entitled to the relief of ad interim maintenance.

The learned Additional Principal Judge, Family Court, Ludhiana, after hearing arguments advanced by learned counsel for both the parties, allowed the application for ad interim maintenance by passing a detailed order dated 06.10.2021, granting ad interim maintenance as referred above. Feeling aggrieved of this order both petitioners and respondent have filed the present revisions.

I have heard, the arguments advanced by Rohit Mehta as well as learned counsel for Vandana Mehta and for her minor son.

Rohit Mehta-revisionist argued that the ad interim maintenance granted by the learned Additional Principal Judge, Family Court, Ludhiana is not justified. Vandana Mehta is a well qualified Ayurvedic doctor and she is earning much more than his income. She has tried to conceal her qualification as well as income and the affidavit filed by her was wrong regarding which he has already filed application

under Section 340 Cr.P.C. read with Section 195 Cr.P.C. The stand taken by his wife Vandana Mehta is contradictory. She has done B.A.M.S., MD and she is second most popular Ayurvedic doctor in the City. She is working since 2004 and there is great footfall of patients in her clinic. Rohit Mehta has also placed on record some photographs regarding the profession of his wife. Vandana Mehta ill-treated him and his mother. His mother is bed-ridden and needed an attendant to look after her. She always created scene in the matrimonial home. In the year 2014, she claimed that she had joined a spiritual organization and renounced the world. Since then, there is no relationship of husband and wife between them. She left the matrimonial home on 28.09.2019 along with his son, in his absence. She took away all jewellery, cash and other valuable articles. She wrongly claimed that he is a leading advocate. In fact, he is a struggling advocate having no movable or immovable property. His income has been wrongly claimed in the petition. He has also filed a petition under Section 9 of Hindu Marriage Act, which is still pending. Vandana Mehta wrongly claimed the school expenditure of their son as Rs.30,000/- to Rs.35,000/-. In fact the fees for three months is just Rs.7,095/-. She wrongly claimed the monthly expenditure of their son as Rs.17,500/-. Vandana Mehta worked as a medical officer in DAV Public School and she also worked in Patanjali store owned by her father. In June, 2020, she opened her clinic in the name of M/S Dr.Vandana Ayurvedic Clinic-cum-Patanjali Store. All the allegations levelled against him regarding maltreatment and cruelty are false. He does not possess immovable property nor he is having any rental income. The learned Additional Principal Judge, Family Court,

Ludhiana, without considering the aforesaid facts has wrongly granted ad interim maintenance in favour of Vandana Mehta to the tune of Rs.2,000/- per month and in favour of their minor son to the tune of Rs.10,000/- per month even though Vandana Mehta herself is a working lady and she is capable of looking after herself. The ad interim maintenance granted in favour of their son is also highly excessive. It is claimed that he has to look after his old mother. Therefore, it is prayed that the impugned order dated 06.10.2021, passed by the learned Additional Principal Judge, Family Court, Ludhiana, may kindly be set aside.

On the other hand, in CRR(F)-508-2022, learned counsel for Vandana Mehta and her minor child argued, that Vandana Mehta is B.A.M.S., whereas, Rohit Mehta is BBA, LLB qualified. Their minor son Vinamra Mehta is studying in 6th class in BCM, Arya Model Senior Secondary School Ludhiana. It is alleged that her degree of MD is not recognized by Unani Medical Board. She claimed that she was physically and mentally tortured for bringing less dowry. She was financially exploited by her husband and his family members, as they used to take away her entire salary. Due to their matrimonial dispute a complaint was filed before Women Cell Ludhiana for maltreating her, on account of more dowry. The said complaint filed on 24.05.2010 was withdrawn, on account of apology and assurance given by her husband- Rohit Mehta. She again started living in the matrimonial home on 04.07.2010. Her husband and his family members did not change their behaviour. She tolerated, their behaviour in order to save her married life. She was turned out of the matrimonial home along with her son on

28.09.2010 and since then, she is living in her parents house at Ludhiana. Rohit Mehta did not make any effort to bring them back nor he provided any maintenance and ultimately the petition was filed under Section 125 Cr.P.C., claiming ad interim maintenance. It is pointed out that Rohit Mehta is a practicing advocate in Ludhiana having huge income. He is having movable and immovable property. It is further alleged that Vandana Mehta lastly worked in DAV Public School, Ludhiana and thereafter, lost her job. Therefore, she has filed the present petition. Rohit Mehta has also filed petition under Section 9 of Hindu Marriage Act, which is still pending. He has filed false criminal complaint against Vandana Mehta under Section 340 Cr.P.C., in order to harass her. In fact the ad interim maintenance granted in favour of Vandana Mehta is meager and without any justification. The learned Family Court has not granted litigation expenses to them. It is prayed, that the ad interim maintenance in favour of Vandana Mehta may kindly be enhanced and she may be granted litigation expenditure. The learned counsel for Vandana Mehta and another has relied upon the authority cited in “***Rajnesh versus Neha and others***” 2021(2) SCC 324, alleging that learned Family Court has failed to consider the assets and liabilities of the respondent-Rohit Mehta, while granting the ad interim maintenance. With this it is prayed that ad interim maintenance granted in favour of Vandana Mehta and Vinamra Mehta may kindly be modified.

I have considered, the arguments advanced by Rohit Mehta appearing for himself, as well as learned counsel representing Vandana Mehta and her minor son. Both the revisions are directed against the

impugned order dated 06.10.2021, vide which, ad interim maintenance has been granted in favour of Vandana Mehta and her minor son Vinamra Mehta. Some of the facts are admitted by both the parties. It is not disputed that Vandana Mehta is legally wedded wife of Rohit Mehta. They got married on 01.12.2009 and out of this wedlock, Vinamra Mehta was born, who at the time of filing of the petition, before the family court Ludhiana, in the year 2019 was nine years old. It is further not disputed, that on account of matrimonial dispute, Rohit Mehta and Vandana Mehta got separated and she started residing with her minor son, in her parental home. It is further not disputed, that apart from the petition under Section 125 CR.P.C., Rohit Mehta has filed one petition under Section 9 of Hindu Marriage Act and one complaint under Section 340 Cr.P.C. Vandana Mehta has levelled allegations, against her husband-Rohit Mehta and mother-in-law regarding maltreatment, on account of demand of dowry. She has also narrated the incidents of cruelty towards her, during her stay in the matrimonial home. On the other hand, Rohit Mehta has denied all the allegations levelled against him. He alleged, that it was Vandana Mehta who was cruel towards him and his mother and he further alleged, that Vandana Mehta renounced the world and thereafter, they did not live as husband and wife. Despite all this Rohit Mehta has filed petition under Section 9 of Hindu Marriage Act, for restitution of conjugal rights. So far as, allegations and counter allegations are concerned, the same can be decided after recording of evidence, by both the parties. The aforesaid impugned order has been passed on application filed by Vandana Mehta and her minor son, claiming ad interim maintenance, during the

pendency of petition under Section 125 Cr.P.C. It is not disputed, that Rohit Mehta is a practicing advocate at Ludhiana, even the present revision was argued by him in-person along with the junior advocate assisting him. There is no direct evidence, regarding the actual monthly income of Rohit Mehta, but at the same time it cannot be ignored that he is a practicing advocate. Therefore, in order to assess his monthly income, some guess work is required to be done. Similarly, Vandana Mehta is a qualified Ayurvedic doctor. She herself conceded that earlier she was working in DAV School. She also claimed that she was earning Rs.13,500/- by working as a helping assistant in Patanjali Yog Peeth. The learned counsel for Vandana Mehta and other, did not dispute the fact that she is still working in the Patanjali shop run by her father. Even in the case of Vandana Mehta, there is no direct evidence, to establish her monthly income. Rohit Mehta while filing the present revision has relied upon certain photographs showing, Vandana Mehta working as Ayurvedic doctor in Patanjali Yog Peeth. The learned Additional Principal Judge, Family Court, Ludhiana considered this fact carefully and on that account granted ad interim maintenance only to the tune of Rs.2,000/- per month to Vandana Mehta. Therefore, considering the aforesaid facts and circumstances, the ad interim maintenance granted in favour of Vandana Mehta does not require any interference and the same is accordingly, upheld.

The learned Additional Principal Judge, Family Court, Ludhiana has granted ad interim maintenance of Rs.10,000/- per month in favour of Vinamra Mehta, who is a school going child. At present, he must be 12 years old, going to school. At the time of filing of this case,

he was student of 5th class and now he must have got his regular promotions to the next class. He is studying in a reputed School i.e BCM Arya, Shastri Nagar, Ludhiana. Apart from the admission fee, the monthly or quarterly fee of the child is deposited in the school. The child may also require private tuition. He needs expenditure for transportation, uniform, books, stationery and for his daily needs. The child may also require medical care, as and when required. It has come on record, that Vandana Mehta along with her minor child is dependent on her parents.

On the other hand, Rohit Mehta is a practicing advocate, having no other responsibility except his old mother. Rohit Mehta has another brother, who is to equally shoulder the responsibility of mother. Therefore, Rohit Mehta being husband of Vandana Mehta and father of Vinamra Mehta has got moral obligation, to provide maintenance, to his wife and son.

Considering, the qualification of Vandana Mehta, Rohit Mehta is burdened with ad interim maintenance of Rs.10,000/- per month, towards Vinamra Mehta. It cannot be ignored that both, Rohit Mehta and Vandana Mehta are professionally qualified. Therefore, Vinamra Mehta is also entitled to get maintenance, as per the status of his parents. Therefore, ad interim maintenance granted in favour of Vinamra Mehta, to the tune of Rs.10,000/- per month from his father Rohit Mehta is neither excessive nor unjustified. Therefore, the ad interim maintenance, granted in favour of minor child is also upheld.

The perusal of impugned order dated 06.10.2021, clearly indicates, that the learned Family Court Ludhiana has not granted, any

amount towards the litigation expenditure. Due to matrimonial dispute, Vandana Mehta is compelled to live in her parental house along with her child. She is looking after her child and also contesting the cases as referred above. She is spending her time and money for her legal rights. Considering, the aforesaid facts Vandana Mehta is granted litigation expenditure, to the tune of Rs.10,000/-. With this observation, the impugned order dated 06.10.2021 passed by learned Family Court, Ludhiana is upheld, with the modification of grant of litigation expenditure, as referred above.

Accordingly, the revision filed by Rohit Mehta CRR(F)-274-2022, is declined, whereas the revision preferred by Vandana Mehta CRR(F)-508-2022, is partly accepted.

A photocopy of this order be placed on the filed of other connected case.

**(AMARJOT BHATTI)
JUDGE**

05.12.2022
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No