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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-443-2022

Date of Decision: May 17, 2022

Paramjit Singh

.....Petitioner

Versus

Sunita Devi

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.H.K.Aurora, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.

Petitioner has approached this Court impugning the order dated 07.03.2022 vide which learned Family Court has granted the interim maintenance of Rs.4,500/- per month to the respondent/wife.

Counsel for the petitioner has contended that the Family Court has failed to appreciate that the petitioner was doing the work of a labourer in Oman (Muscat) and that now he has permanently returned to India and presently he is jobless. He submits that the Court failed to appreciate that the respondent/wife was earning about Rs.15,000/- per month from the stitching work. He submits that the petitioner has one daughter and a son, who are dependent upon him. His income is only to the tune of Rs.8,000/- per month. He submits that the petitioner has already filed a petition under Section 13 of the Hindu Marriage Act for dissolution of the marriage but the learned Family Court has failed to appreciate the same and thus, has granted the interim maintenance of Rs.4,500/- per month, which is totally beyond the facts and circumstances of the case and the evidence on record.

Heard.

Relationship between the petitioner and the husband is not in dispute. Both the parties filed their respective affidavits before the Family Court. Admittedly, this is the second marriage of both the parties. Though in the affidavit filed, the petitioner has shown his income as Rs.8,000/- per month, whereas when he was working in Oman (Muscat), he was earning Rs.80,000/- per month. The Family Court has noted that the petitioner intentionally did not produce his three years' bank account statement showing his financial status and hence it was presumed that he was having a good financial status. It is presumed that even considering the petitioner as an unskilled labourer, the earning is more than Rs.12,000/- per month. Taking into consideration the attending facts and circumstances and the law settled, the Court has granted Rs.4,500/- per month as interim maintenance to the respondent/wife.

Hon'ble Supreme Court in **Rajnesh vs Neha and another**(2021) 2, Supreme Court Cases 324 had settled the law, relevant paras of which read thus:

“77 (i) The objective of granting interim/permanent alimony is to ensure that the dependant spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.

78 The factors which would weigh with the Court inter alia are the status of the parties; reasonable needs of the wife and dependant children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living

79 to 80 XX XX XX

Petitioner is an able-bodied man. He is under the legal and moral obligation to support and maintain his wife. The objective of granting maintenance/permanent alimony is to prevent destitution and vagrancy.

Hence, the petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No