

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-4161-2022 in/&
CRR(F)-222-2021
Decided on : 17.02.2022

Amandeep

..... Petitioner

Versus

Manisha Rani

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Gupta, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

CRM-4161-2022

Application is allowed as prayed for and affidavit filed by the petitioner is taken on record subject to all just exceptions.

Main case

Challenge in the instant petition is to the order dated 05.03.2021 passed by Principal Judge, Family Court, Gurdaspur vide which maintenance of Rs.24,000/- per month has been awarded to the respondent.

On the last date of hearing, learned counsel for the petitioner submitted that the petitioner was a man of very limited means and had no source of income, as a result of which, he was directed to file an affidavit qua the ownership/proprietorship of the hotel where he was stated to have been working as a Manager.

In compliance thereof, the petitioner has filed an affidavit. As per the affidavit and ITRs filed by the petitioner, he is a partner of M/s Ark

Enterprises, which is a firm carrying on the business of running a restaurant, Bonfire Beer Bar etc.

Learned counsel while inviting the attention of this Court to the ITRs of the petitioner has vehemently urged that it was evident that the petitioner was not earning Rs.2 lakhs per month as had been erroneously concluded by the Court below vide impugned order.

On a pointed query put to the learned counsel as to whether he had been paying the interim maintenance in the sum of Rs.24,000/- per month to the respondent-wife or if he had even made any part payment thereof, he replied in the negative and stated that till date, he had not paid a single penny as he was not in a position to do so. On a further query as to what were the total arrears due as on date, this Court was apprised that the total amount payable as on date was Rs.3.36 lacs. When a query was put to the learned counsel as to whether the petitioner was willing to pay at least Rs.2 lacs out of Rs.3.36 lacs pending as arrears to the respondent-wife, he on instructions replied in the negative and rather stated that he had instructions to say that the petitioner would not be in a position to pay a single penny.

It would not be out of context to refer to the impugned order wherein it stands reflected that the petitioner had adopted a similar stand before the Court below by not appearing before the Court and also not placing on record any documents including the bank statements from which it could be discerned as to what his income approximately was. Resultantly, the Court below had been left with no other option but to proceed against him ex parte.

In the circumstances, this Court is not inclined to accept the

prayer of the petitioner and set aside the impugned order. The contention of the petitioner that he does not have any source of income deserves to be rejected as admittedly, he is an able bodied man and this Court has no hesitation in observing that the petitioner is making bald excuses to evade his responsibility towards his wife.

In the facts and circumstances as enumerated above, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

17.02.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No