

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CR No.3069 of 2022 (O&M)
Date of Decision : 24.08.2022**

Anita Poras

....Petitioner

VERSUS

Anupama & Another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Saurabh Dalal, Advocate for the petitioner.

Mr. Vishwajeet, Advocate for the respondents.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 06.05.2022 granting interim maintenance of Rs.1,00,000/- to the respondents.

The brief facts relevant to the present *lis* are that the respondents herein filed a petition under Sections 19, 21 and 22 of the Hindu Adoption and Maintenance Act, 1956 claiming maintenance from the petitioner, who is the mother-in-law of respondent no.1 and grandmother of respondent no.2. It was stated in the petition that the husband of respondent no.1 is missing since 22.08.2019 and an FIR has been registered in this regard being FIR No.271 dated 29.08.2019 at Police Station Civil Lines, Rohtak. Thereafter, the said FIR was converted into FIR under Sections 302/201/307/346/364 and 379-A of the Indian Penal Code, 1860 since it transpired during the course of investigation that husband of respondent no.1 had been kidnapped and his car was snatched and he had eventually been

murdered. It is further averred in the petition that initially after the murder of her husband, respondent no.1 was residing in her matrimonial home along with her daughter but her sister-in-law started misbehaving with her and taunting her. It is also alleged that the husband of her sister-in-law was forcing her to develop illicit relations with him. On 15.06.2020 the respondent no.1 along with her minor child left the matrimonial home. It is also averred in the petition that neither the dowry articles nor the car bearing registration no.HR-12AF-5322 was given to respondent no.1. It was further averred that the petitioner herein, who is the mother-in-law of respondent no.1 and grandmother of respondent no.2, is owner of about 10 acres of land which she inherited from her father-in-law and husband and is also owner of one Kothi No.844C/28 Bharat Colony, Rohtak, District Rohtak and also owns one commercial plot measuring 1150 sq. yards situated at Rohtak Road, Jind which has been given on rent @ Rs.50,000/-per month. It has also been averred that the agricultural land has been given on *theka* @ Rs.5 lakhs per annum and that she is also getting rental income from her Kothi at Rohtak as also pension @ Rs.35000/- per month. Along with the petition an application for interim maintenance was also filed. Vide the impugned order dated 06.05.2022 the Court awarded a lump sum of Rs.1 lakh as interim maintenance out of which admittedly Rs.60,000/- has been paid and Rs.40,000/- remains to be paid.

Learned counsel for the petitioner has contended that the petitioner is willing to hand over 3 acres of land to the respondents which is

the husband's share in the property and that the lease amount as assessed by the Family Court is on the higher side.

Per contra learned counsel for the respondents has contended that even for the present year the land has already been given on *theka* by the petitioner herein and hence there was no question of the respondents being able to derive any fruits from the land in question even if the possession is handed over to them.

I have heard learned counsel for the parties.

In the present case a lump sum interim maintenance has been assessed @ Rs.1 lakh out of which Rs.60,000/- already stands paid and balance amount of Rs.40,000/- is yet to be paid. The Family Court while disposing off the application has made it very clear that in case the Court reaches the conclusion that lease amount for 3 acres of land for one year is less than Rs.1 lakh the excess amount would be adjusted in the future amount and that in case there is substantial evidence that amount is more than Rs.1 lakh then the respondents herein would be directed to make good the deficiency in the Court fee. The matter is now fixed for evidence of the parties.

In view of the above and keeping in view the fact that the respondent no.1 is a widow and has a minor child to look after as also the fact that her father is a patient of paralysis and is 100% disabled and not able to extend any help to the respondents herein, I do not find any illegality or infirmity in the order passed by the Family Court.

The present revision petition is accordingly dismissed. It is, however, made clear that any observation made herein shall not be treated as an expression of opinion of this Court on merits of the case. Pending applications, if any, also stand disposed off.

24.08.2022
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO