

111 IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRR (F) No.693 of 2022
Date of Decision:18.08.2022

PARVEEN

...Petitioner

Versus

BABLI

...Respondent

CORAM:- HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Vikram Lakhlan, Advocate
for the petitioner.

VIVEK PURI, J. (ORAL)

The petitioner has assailed the order dated 27.05.2022 passed by Court of Ld. Additional Principal Judge, Family Court, Meham vide which the interim maintenance has been awarded at the rate of Rs.12,000/- per month in favour of respondent.

Learned counsel for the petitioner contends that the relationship between the parties is not disputed but the amount of maintenance has been awarded on the higher side. As per the salary slip for the month of April, 2022, the net pay of the petitioner is Rs.38,404/-

It may be mentioned herein that even the learned Family Court has also relied upon the same salary slip and observed as follows:

12. Now the question is regarding assessment of amount of interim maintenance. In this regard it may be observed that undisputedly respondent is serving in RPF. Moreover, as per copy of salary slip of respondent for the month of April, 2022 which is placed on record his gross-pay is Rs.52410/- and his net pay is Rs.38,404/-. Furthermore, a scrutiny of salary slip of respondent would reveal that a sum of Rs.9,229/- is being deducted from his salary towards loan taken by him. In my considered opinion the said amount is liable to be added in the net pay of respondent for determining his income for the

purpose of fixing the maintenance as the same is not a statutory deduction. Accordingly, monthly income of respondent comes of Rs.47,633/- It is further pertinent to mention that argument raised by learned counsel for petitioner that father of respondent owns agricultural land is not tenable as there is nothing on record to suggest that respondent has any right in the land owned by his father and it is the responsibility of respondent to maintain his wife and accordingly his means and property are to be seen.

Although the net pay as depicted in the salary slip is Rs.38,404/- but the deduction to the tune of Rs.9,229/- cannot be termed to be statutory deduction from the salary of the petitioner. The petitioner has availed the loan, enjoyed the same and consequently is liable to repay the installment but the same cannot be termed to be a circumstance to reduce the amount of interim maintenance awarded by the Court below to the respondent being wife of the petitioner and cause prejudice to her interest. The monthly income of the petitioner has been computed to be Rs.47,633/-. Furthermore by relying upon judgment ***AIR 2017 SC 2383 titled as Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy***, the learned Court has awarded the interim maintenance to the extent of 25% of the husband's net salary. The amount awarded is just, proper, adequate and commensurate with the salary, status and paying capacity of the petitioner.

Consequently, the impugned order does not suffer from any illegality or infirmity, which may warrant interference by this Court.

The present petition is dismissed.

August 18, 2022
P.Bhatt

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No