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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4781 of 2022 (O&M)

Date of decision: 28.10.2022

Hans Puri @ Hans Raj

....Petitioner

Versus

Amrati

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 28.07.2022 vide which the trial Court has directed the petitioner/husband to pay the interim maintenance @ Rs.4,000/- per month from the date of filing of the application.

Counsel for the petitioner has argued that the marriage between the parties took place long years ago and 02 sons and 02 daughters were born out of the wedlock and all of them are settled. It is further submitted that previously the petitioner was serving in Rajasthan Police and stands retired and now he is getting a meagre pension. Counsel for the petitioner has relied upon certain documents to submit that the petitioner is also suffering from age related health problems and therefore, the trial Court has awarded the maintenance on higher side.

A perusal of the order shows that the respondent/wife on account of being shunted out of the matrimonial home has claimed interim maintenance to the tune of Rs.30,000/- per month from the

petitioner/husband stating that she has no independent source of income and is not possessing any movable or immovable property. The trial Court after hearing both the parties has recorded a finding that the parties are in the old age having crossed the age of 60 years and have developed a sour relationship. The trial Court has also recorded a finding that the petitioner is receiving a pension of Rs.23,000/- per month whereas the respondent/wife is getting an old age pension of Rs.2500/- per month. The trial Court after looking into the medical record produced by the petitioner/husband as well as that of the respondent/wife, who was being physically harassed and beaten up as per the pleadings, has awarded interim maintenance to the tune of Rs.4,000/- per month from the date of application i.e. 16.09.2021.

After hearing the counsel for the petitioner and considering the fact that the petitioner/husband is getting a pension of Rs.23,000/- per month, this Court finds that the interim maintenance of Rs.4,000/- awarded to the respondent/wife is not on a higher side.

Accordingly, finding no illegality in the impugned order dated 28.07.2022, the revision petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

28.10.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No