

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 110

Criminal Revision (F) No.98 of 2022

Date of Decision: February 01, 2023

Dinesh Goel

..... PETITIONER(S)

VERSUS

Asha Goel & others

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Mr. Vikas Kumar, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This is a revision petition against order dated 05.01.2022 passed by the Family Court granting interim maintenance to the respondent-wife under Section 125 Cr.P.C.

2. The impugned order records that the petitioner-husband, as per his own admission, is proprietor of the firm M/s Jay Pee Petro Products. He owns a Marazzo car bearing No.HR-29AT-8786 in the name of the firm, owned by him. His plea that he was only doing a job in Anil Transport, was dis-believed by the Family Court while awarding interim maintenance. It has also come on record that his brother has taken a loan and the petitioner has stood guarantor for his brother's wife for ₹ 1.75 crore. In this background, the petitioner's plea of being merely an employee and earning ₹ 10,000 per month was not believed, and his income was accordingly assessed as ₹ 80,000 per month. Based upon that, he was directed to pay an amount of ₹

20,000 per month to respondent No.1-wife, and ₹ 10,000 per month to respondent Nos.2 and 3, minor children.

3. Learned counsel for the petitioner contends that the respondent-wife is herself earning and is, therefore, not entitled to the interim maintenance awarded. In that regard, he has referred to the income tax returns stated to have been filed by the respondent-wife for the years 2013-14 and 2014-15 (Annexure P-2). He has also referred to her affidavit (Annexure P-4), wherein she claimed to be maintaining one full time domestic help on a salary of ₹ 8,000 per month. And her monthly withdrawal from banks is about ₹ 20,000-30,000, besides she travels in a car. Learned counsel also contends that, in fact, the respondent-wife is staying in petitioner's house and he has been turned out from there.

4. The arguments raised by the learned counsel have no merit. The income tax returns relied upon by him are about a decade old and pertain to the years 2013-14 and 2014-15. Besides, the affidavit filed by the respondent-wife clearly states that she is a house-wife. There is no evidence on record to establish that she is earning anything. Merely because wife is able to keep a domestic help, it cannot be a ground to deny the interim maintenance to her. The facts are yet to be determined during trial. At this stage, it cannot be held that the amount of interim maintenance granted is on a higher side.

5. Dismissed.

6. Any observation recorded hereinabove shall not be construed as an expression of opinion on merits of the case.

7. Since the main petition has been decided, pending applications, if any, are disposed of as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

February 01, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No