

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:054538

CRR(F)- 246 of 2022 (O&M)

Date of Decision: 19.04.2023

Pawan Kumar

---Petitioner

versus

Smt. Nisha and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. P.K.Rohila, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

CRM-13480 of 2023

Allowed as prayed for. Affidavit of the petitioner regarding his assests and liabilities is taken on record. Registry is directed to tag the same at an appropriate place.

CRR(F)- 246 of 2022

The petitioner, through the instant petition is seeking setting aside of order dated 04.02.2021 whereby Additional Principal Judge Family Court, Sonipat, has allowed interim maintenance of Rs. 25,000/- per month i.e. Rs. 15,000/- per month to respondent No. 1 and Rs. 10,000/- per month to respondent No. 2-minor son of the petitioner.

Learned counsel for the petitioner, at the outset, submits that at present, gross salary of the petitioner is Rs. 1,00,000/-, thus, he

has no grievance qua maintenance of Rs. 25,000/- per month to the respondents with effect from the date of order i.e. 04.02.2021. The petitioner from 2017 to 2019 was getting salary Rs. 48,000/- per month and Family Court ignoring salary of the petitioner during 2017 to 2019 has granted maintenance of Rs. 25,000/- per month. The Family Court has considered income prevailing at the time of order whereas maintenance has been awarded from the date of filing application i.e. 24.10.2017. The mother of the petitioner is on bed and father of the petitioner, during this period, has passed away due to cancer. The petitioner has spent a huge amount on the treatment of his father. The petitioner till date has already paid Rs. 7,00,000/- towards maintenance. He is not attempting to deflect from his responsibility. He, at present, is regularly paying Rs. 25,000/- per month to the respondents, however, he prays that amount of maintenance awarded for the period from 2017 to 2019 may be reduced from Rs. 25,000/- to Rs. 10,000/- per month.

I have heard learned counsel for the petitioner and perused the record.

The limited prayer of the petitioner seems to be just and fair. Without issuing notice to the respondents, however, considering the factum that Family Court has passed impugned order in 2021 considering salary of the petitioner at that point of time and awarded maintenance from the date of application, the amount of maintenance awarded to wife for the period from October' 2017 to March' 2019 is reduced from Rs. 15,000/- to Rs.7,000/- per month. There would be no

modification qua maintenance to son. The impugned order stands amended to the aforesaid extent.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

19.4.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No