

In the High Court of Punjab and Haryana at Chandigarh

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CRR- 585 of 2023(O&M)

Date of Decision: 02.03.2023

Manvinder Singh

---Petitioner

versus

Sarabjeet Kaur

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ankur Bansal, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

CRM- 10304 of 2023

The applicant is seeking condonation of delay of 10 days
in filing the instant petition.

In view of averments made in the application and
arguments advanced by counsel for the applicant, the application is
allowed and delay of 10 days in filing the instant petition is condoned.

CRR-585 of 2023

The petitioner, through the instant petition is seeking
setting aside of order dated 09.06.2022 whereby trial court has
allowed interim maintenance of Rs. 25,000/- to respondent(wife) and
children of the petitioner.

The brief facts of the case are that marriage of the
petitioner was solemnized with respondent on 27.02.2005 and from

this wedlock two children were born. The petitioner is working in Labour Court as Class -IV employee. The parties could not enjoy fruits of the marriage and started staying separate. The respondent filed petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 (for short "D.V.Act") wherein she claimed maintenance to the tune of Rs. 40,000/- per month. The respondent filed an application under Section of 23 of D.V.Act seeking interim maintenance. The Magistrate vide order dated 09.06.2022 awarded interim maintenance of Rs. 25,000/- per month to the respondent i.e. Rs. 5000/- to the respondent and Rs. 10,000/- each to minor children of the petitioner. The petitioner preferred an appeal before Appellate Court which came up for consideration before Additional Sessions Judge, Ludhiana, who vide impugned order dated 19.11.2022 has dismissed appeal of the petitioner.

Learned counsel for the petitioner submits that he is not running away from his responsibility, however, his grouse is qua quantum of maintenance. The petitioner is getting carry home salary Rs. 38,500/- and it is not possible to spare a sum of Rs. 20,000/- per month awarded to his children.

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

The petitioner is not disputing factum of marriage as well as birth of two sons from the wedlock. He is also not disputing the fact that both sons of the petitioner are studying in 10+1 at Jalandhar. The salary of the petitioner is undisputed. As per affidavit of the petitioner, the gross salary of the petitioner is Rs. 44,000/- per month

and carry home salary is Rs. 38,500/-. The cost of education is well known. The trial court as well as Appellate court have awarded a small amount of Rs. 5000/- to wife and Rs. 10,000/- per month each to both sons of the petitioner. The petitioner is morally, ethically and statutorily duty bound to maintain his wife and children. The amount awarded to wife is so minuscule that there is no possibility even to consider to reduce that amount. A sum of Rs. 20,000/- has been awarded to both children who are school going. Nowadays school going children are not only paying school fee but also they are supposed to pay tuition fee which is exorbitant. The cost of clothes, food and accommodation is also known to everyone. The trial court as well as Appellate court after considering all these facts have awarded maintenance of Rs. 25,000/- per month to the respondent and children of the petitioner.

It is apt to mention here that the maintenance awarded by Family Court is interim, thus, petitioner would get opportunity to put forth his stand at the time of determination of final maintenance.

Keeping in view the present cost of living; social and legal responsibility of the petitioner to maintain his family and interim maintenance awarded; this court does not find that amount of interim maintenance fixed by court below is on higher side, thus, the present petition deserves to be dismissed on merits. Accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

02.03.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No