

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CRR(F)-486-2023(O&M)
Date of decision:29.03.2023

Naresh Kumar

..... Petitioner

versus

Smt. Renu and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. J.P. Sharma, for the petitioner.

TRIBHUVAN DAHIYA, J.(ORAL)

CRM-14789-2023

1. Application is allowed, as prayed for.
2. The accompanying documents as Annexures P-1 to P-4 are taken on record.
3. Application stands disposed of.

Main case

4. Instant petition has been filed for setting aside the order dated 17.02.2023 passed by the Principal Judge, Family Court, Camp Court at Mohindergarh, granting interim maintenance to respondent No.1, wife and respondent No.2, minor daughter, to the tune of Rs.10,000/-and Rs.4,000/- respectively. Apart from that, Rs.5,000/- as litigation expenses were also granted.
5. Learned counsel for the petitioner has contended that the amount of interim maintenance is on the higher side keeping in view the petitioner's income as also the fact that he has to repay the home loan taken by him. It has further

been contended by learned counsel for the petitioner that the respondent No.1- wife is presently residing in her matrimonial home and the petitioner is paying the school fee of respondent No.2 and other expenses of respondent-1. Therefore, the amount needs to be reduced.

6. Learned counsel for the petitioner has been heard and the case file has been perused.

7. Admitted income of the petitioner, as per pay slip of December 2022, is Rs.44,601/-. Keeping that in view, the amount of interim maintenance granted to the wife-respondent No.1 cannot be said to be on the higher side. Besides, the fact that she is residing in matrimonial home has also been considered while granting maintenance. The impugned order records that respondent No.1 is residing with the petitioner's parents and even his father has given an affidavit in support of the claim made by her. He has also stated that she is serving them well and taking care. Payment of the minor's school fee by the petitioner is not a fact that can have any bearing on the amount of interim maintenance granted to the respondents.

8. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

29.03.2023

shweta.

Whether speaking/reasoned?
Whether Reportable?

Yes/No
Yes/No