

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM No. 17486 of 2023 in/and
CRR No. 1037 of 2023 (O & M)
Date of Decision :20.4.2023**

Gaurav Mehta alias Harsh Mehta

..... Petitioner

versus

Ranju Mehta

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. H.K. Aurora, Advocate, for the petitioner

TRIBHUVAN DAHIYA J. (ORAL):

For the reasons stated in the application, the same is allowed. Delay of 70 days in filing the petition is condoned.

CRR No. 1037 of 2023 (O & M):

This revision petition has been filed impugning the order dated 1.11.2022, passed by the Additional Sessions Judge, Jalandhar, whereby the amount of interim maintenance granted to the respondent/wife and minor child of Rs.8000/- per month, was enhanced to Rs.15,000/- per month, i.e., Rs.7000/- to respondent no.1 and Rs. 8000/- to respondent no.2, till final decision of the application under Section 23 of the Protection of Women from Domestic Violence Act, 2005.

2. Learned counsel for the petitioner contends that the amount of maintenance awarded is on a higher side and the petitioner/husband is not in a position to pay the same. His hosiery business was closed before COVID-19 pandemic due to heavy losses, and thereafter, a small footwear shop was opened by him in March 2019. It has also been closed now on account of

serious medical ailments he has suffered.

3. A perusal of the order shows that the amount of interim maintenance awarded by the Magistrate was enhanced by the Appellate Court keeping in view the facts of the case, as also the price index. Growing expenses of the respondents were also taken into account. It has been alleged by the respondent that the petitioner/husband is in hosiery and courier business, but learned counsel for the petitioner has contended that this business has been closed down due to losses. The petitioner admittedly started a new business of footwear in March 2019; the fact stands reflected in the affidavit of assets, income and expenditure filed by him before the trial Court (Annexure P-8). In case the petitioner's income has decreased over years on account of losses or the business has been closed down on account of ailments suffered by him, he has to prove facts in that regard before the trial Court. At this stage, merely on the basis of assertion in the petition, the amount of interim maintenance cannot be reduced. In the given facts and circumstances of the case, the amount does not appear to be on a higher side either.

5, Dismissed.

6. Pending miscellaneous application(s), if any, stands disposed of accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

20.4.2023
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No