

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

**CRR (F) No.758 of 2023
Date of Decision: 29.05.2023**

Dharminder

.... Petitioner

Versus

Deepshikha and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Shakti Singh, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J (ORAL)

The petitioner by way of the present petition, assails the order dated 05.04.2023 passed by the Principal Judge, Family Court, Hoshiarpur whereby interim maintenance has been granted to the petitioner's wife and his minor son of a sum of Rs.7000/- per month and Rs.8000/- per month respectively.

Learned counsel for the petitioner submits that the income assessed is erroneous and in fact he is earning only around Rs.16000/- per month. In fact, income of the petitioner has been assessed Rs.44000/- per month based on the income tax return filed by the petitioner for the financial year 2021. Learned counsel for the petitioner stated that this income was prior to the Covid period while this Court finds that it is during the period the income tax return has been filed.

Be that as it may, without going into the details which the Family Court would examine at the time of finally passing the judgement under Section 125 Cr.P.C. and considering the overall aspects and *prima facie* from the affidavit which has come on record where it is shown that the

petitioner is a proprietor of one of the concern while he is partner of a private limited company and he is also a member of several associations of repute in the sports field.

In view of the above submissions, I do not find any reasons to interfere with the interim award of maintenance granted to the petitioner's wife and minor son. However, the dismissal of the present petition would not come in the way for the final adjudication of section 125 Cr.P.C.

At the stage of dictation of the judgement, learned counsel for the petitioner also submits that the petitioner is ready to go for mediation. The learned Judge, Family Court will take steps for getting the matter sent for mediation also but such sending the matter for mediation would not in any manner stop the petitioner from paying the interim maintenance awarded by the Family Court.

The present petition is accordingly dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

29.05.2023

Raman

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