

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

112

2023:PHHC:077788
CRR-1377-2023(O&M)
DECIDED ON: 29.05.2023

Sandeep Kumar

.....Petitioner

VERSUS

Smt. Sushila and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Gopal Soni, Advocate, for the petitioner.

SANJEEV PRAKASH SHARMA, J (ORAL)

The petitioner, by way of this petition, prays for setting aside the order passed by the Court whereby the interim maintenance has been granted to the petitioner's wife and three children aged 15, 13 and 9 years respectively, a sum of Rs.25,000/- in all.

Learned counsel submits that the petitioner's pay slip which has been relied upon mentions about allowances known as "COBRA" allowances which are to the tune of Rs.17300/-. If the said amount is deducted, which is only temporary in nature, overall salary of the petitioner reduces by Rs.20,000/-.

Learned counsel also submits that the petitioner has to pay home loan instalments of a sum of Rs.34,000/- and the respondents are living in the same house for which the loan was taken.

Learned counsel submits that the amount of Rs.25,000/- is on much higher side and the petitioner is already paying Rs.20,000/- per month even before the interim maintenance order was passed.

I have considered the submissions.

The order passed by the Court is by way of interim arrangement till it finally decides the application under Section 125 Cr.P.C for recording the evidence. At this stage, *prima facie* case is examined and the pay slips placed before the Court reflect that the petitioner is receiving as on today Rs.81,386/- as a gross salary amount. Even if he is paying the home loan amount, still he has somewhere around

Rs.48/49,000/- in his kitty and if amount of Rs.25,000/- has been directed to be paid by way of interim maintenance to the petitioner’s wife and three children, two of them are teenager girls, the amount cannot be said to be on the higher side and order does not warrant any interference from this Court.

Petition is dismissed.

29.05.2023
mamta

(SANJEEV PRAKASH SHARMA)
JUDGE

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