

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**115****CRR-F-845-2022(O&M)****Date of decision: 09.10.2023****Money Shukla & Another****...Petitioner(s)****Vs.****Aseem Kapoor****...Respondent(s)****CORAM:****HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: -

Mr.Vipul Babuta, Advocate
for the petitioner.

NIDHI GUPTA, J.

Prayer in the present petition filed by petitioner No.1- wife and minor daughter, is to set aside impugned judgment dated 21.07.2022 passed by learned Additional Principal Judge, Family Court, Ludhiana whereby petitioner No.1 has been denied interim maintenance and petitioner No.2/minor girl child has been granted interim maintenance of Rs.2,500/- per month and litigation expenses of Rs.5,500/-.

2. Learned counsel for the petitioners inter alia submits that the learned Family Court is in patent error in granting the aforesaid maintenance only to the petitioner No.2 as it has been proven on record that respondent-husband is working as a Manager in HDFC Bank at Varindavan and is drawing salary of Rs.75,000/- per month. It is submitted that besides the above, the respondent is also having huge bank balance in the shape of FDRs and is getting interest from the same. Further, the respondent is stated to be having movable and immovable property in his name. It is submitted that on the other hand, petitioner No.1 has to look after petitioner No.2. It is therefore, prayed that the impugned order be set

aside and interim maintenance granted by the learned Family Court be enhanced to Rs.45,000/- per month.

3. No other argument is made on behalf of the petitioners.
4. I have heard learned counsel for the petitioners.
5. Perusal of record of the case shows that petitioner No.1 was married to the respondent on 17.11.2012. One female child/petitioner No.2 was born on 25.07.2014. Present application under Section 125 Cr.P.C. was filed by the petitioners on 29.08.2019. Relevant findings contained in the impugned order are reproduced hereinbelow:-

“21. As regards the income of the petitioner No.1, the petitioner No.1 has mentioned in her affidavit regarding assets and liabilities that she is not earning anything. However, the income tax returns produced by the petitioner No.1 project a different picture.

22. As per the income tax returns for the assessment year 2019-20 the gross total income of the petitioner No.1 was Rs.1,80,798/-, for the assessment year 2021-22 the gross total income is Rs.2,21,150/-.

23. The income tax returns belie the averment of the petitioner No.1 in her affidavit that she is not earning anything.

24. Furthermore, the perusal of the bank account statement of the petitioner No.1 shows that there are various credit entries of some amounts which appear to be the amount received by her on account of her professional charges as the petitioner No.1 is DHMS doctor.

25. Keeping in view the above two facts, the petitioner No.1 is held not to be entitled to any maintenance at this stage.

26. The respondent has produced letter dated 17-10-2019 which shows that his resignation has been accepted w.e.f. 17-

10-2019. The income tax returns produced by the respondent for the year 2020-21 and 2021-22 shows that his income is only around Rs.40,000/- to 50,000/- per year.

27. Keeping in view the facts and circumstances of the case, the petitioner No.1 is not entitled to any interim maintenance at this stage. The petitioner No.2 minor namely Anushi Kapoor (D.O.B. 25-07-2014) is granted maintenance to the tune of Rs.2500/- w.e.f. 29-08-2019 i.e. the date of filing of the petition till the date of majority of the child or till the decision of the petition whichever is earlier. The petitioner No.2 is also granted litigation expenses to the tune of Rs.5,500/-.

28. The application for grant of maintenance stands disposed of.....”

6. Learned counsel for the petitioners is unable to controvert the above said findings or show anything whatsoever to this Court to dispute the said findings recorded by the learned Family Court. Accordingly, I find no ground is made out to interfere in the impugned order. Present petition stands **dismissed**.

7. Pending application(s) if any also stand(s) disposed of.

09.10.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No