IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR(F) No.1257 of 2023 (O&M)
Date of Decision: 31.10.2023

Sourab Gandhi

…Petitioner

Versus

Shikha Saini & another

…Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sunny K. Singla, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision-petition, the petitioner has laid challenge to the order as passed by learned Principal Judge, Family Court, Pathankot (for short 'the Family Court') on 10.07.2023, whereby the application moved by the respondents herein with the prayer to direct him (petitioner) to pay the interim maintenance allowance to them, has been allowed and he has been saddled with the liability to pay an amount of Rs.8,000/- to respondent No.1-wife and a sum of Rs.4,000/- to respondent No.2-daughter as the monthly interim maintenance allowance.

2. As per the brief factual-matrix culminating in the filing of this revision petition, the respondents filed a Petition under Section 125 Cr.P.C for seeking the maintenance allowance from the petitioner and also moved the above-mentioned application therein which has been decided vide the impugned order as already indicated in the opening para of this judgment.

3. I have heard learned counsel for the petitioner in the instant petition, at the preliminary stage and have also perused the file carefully.

4. Learned counsel for the petitioner contends that in the Income Tax Returns filed by the petitioner for the assessment years 2020-21 and 2022-23, his net income has been shown as Rs.2,48,252/- and Rs.93,091/- respectively but the Family Court has erroneously assumed the same to be Rs.12,68,736.34Ps for the year ending on 31.03.2022, on the basis of the balance sheet Annexure P-7 and moreover, respondent No.1-wife has been working in a school since April, 2022, with the salary @ Rs.15,100/- per month and the Family Court has not taken this fact into consideration while passing the impugned order and in these circumstances, this order is not legally sustainable and deserves to be set aside.

5. However, the afore-raised contentions are devoid of any merit because the petitioner is dwelling upon his Income Tax Returns to show his annual income but the same cannot be construed to be the conclusive proof thereof, especially in the circumstances when concededly, he is the sole proprietor of Shashiv Collection, Moga and in the above-said balance sheet (Annexure P-7), the closing balance of his said Firm, for the year ending on 31.03.2022, is shown to be Rs.12,68,736.34Ps. Moreover, the parties are yet to lead their evidence qua their respective contentions regarding their income and it being so, the Family Court has rightly observed that the monthly income of the petitioner could not be less than Rs.45/50 thousand and even if respondent No.1-wife is getting the afore-said salary, even then both the respondents have the right to the live as per financial standard of

the respondent and he (respondent) is morally as well as legally bound to maintain them accordingly.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity and perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

(MEENAKSHI I. MEHTA)
31.10.2023 **JUDGE**
seema

Whether speaking/reasoned: Yes
Whether Reportable: No