

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 107

Date of Decision: April 19, 2023

1.

Criminal Revision (F) No.935 OF 2019 (O & M)

Sheetal Gupta

..... PETITIONER(S)

VERSUS

Kiran & another

..... RESPONDENT(S)

...

2.

Criminal Revision (F) No.250 OF 2020 (O & M)

Kiran & another

..... PETITIONER(S)

VERSUS

Sheetal Gupta

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Himanshu Arora, Advocate, for the petitioner. in CRR(F) No.935 of 2019 and for respondent in CRR(F) No.250 of 2020.

Mr. Arpandeep Narula, Advocate, for the respondents in CRR(F) No.935 of 2019 and for petitioner(s) in CRR(F) No.250 of 2020 .

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Tribhuvan Dahiya, J (Oral)

This judgment shall dispose of afore-mentioned two petitions as they involve similar facts and questions of law.

2. Mediation proceedings between the parties statedly remained unsuccessful.

3. This petition has been filed impugning the order dated 20.09.2019 passed by the Family Court granting interim maintenance of ₹ 8,000 per month to the respondent-wife and ₹ 7,000 per month to the minor daughter, aged about seven years.

4. Learned counsel for the petitioner contends that the amount of interim maintenance is on a higher side, and the petitioner is not able to pay the same. He has other liabilities also, including taking care of his aged father.

5. Learned counsel for the respondents contends that the petitioner has concealed his true income from the Court. He is actually working as Director, Ria Lifesciences Pvt. Ltd., a medicine manufacturing unit. To substantiate, learned counsel has referred to notice dated 01.09.2017 (Annexure P-5) in the connected petition, CRR(F) No.250 of 2020. After respondents filed maintenance petition, the petitioner was replaced by his father as Director of the company. He later on became CEO of another company, i.e., Medix Biocare, New Delhi, as apparent from screenshot of the website, placed on record as Annexure P-8 in same connected petition. As per averments in the application for interim maintenance filed by the respondents, the petitioner is earning more than ₹ 5 lac per month from the said manufacturing unit, i.e., Ria Lifesciences Pvt. Ltd.

6. Learned counsel for the parties have been heard.

7. While awarding interim maintenance, the Family Court has taken into account the relevant factors including admitted income of the petitioner. As per the income tax return for the year 2019-20 (Annexure P-4), gross total income of the petitioner comes to ₹ 5,35,415, i.e., about ₹ 45,000 per month. Taking that into account, the amount of interim maintenance cannot be termed to be on a higher side. Merely because he has aged father to be taken care of, that cannot be a ground to avoid payment of interim maintenance to his wife, who admittedly is not earning.

8. So far as contentions of learned counsel for the respondents are concerned, the same pertain to the petitioner's alleged income as a Director of a company in 2017, and later as CEO of another company. Facts in this regard have not been established on record as yet. The case is pending trial, the Family Court will look into all these aspects and determine exact income of the parties to finally adjudicate the petition for maintenance filed by the respondents under Section 125 Cr.P.C. Interim maintenance to the tune of one-third of the petitioner's admitted income need not be disturbed merely on the basis of his alleged higher income, in the facts and circumstances of this case.

9. In view thereof, there is no ground to entertain the petitions.

10. Dismissed.

11. As the maintenance petition is pending before the Family Court since May 2019, it is directed to finally decide the same expeditiously, preferably within nine months from today.

12. Since the main petitions stand decided, pending application(s), if any, are disposed of as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

April 19, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No