

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

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**CRR(F)-1573-2023 (O&M)
Date of Decision:06.11.2023**

NAVEEN

...Petitioner

Versus

SUNITA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sube S. Kaushik, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

The instant petition has been filed by the petitioner-husband challenging the judgment dated 03.10.2023, passed by the learned Additional Principal Judge, Family Court, Karnal in maintenance petition No. 75 of 2019, whereby the respondent-wife was granted interim maintenance to the tune of Rs. 3000/- per month and was further directed to pay litigation expenses to the tune of Rs. 5500/-. Brief facts, relevant for the purpose of disposal of this appeal, are that the respondent-wife has filed the aforementioned petition on the grounds that she got married with the present petitioner on 22.02.2009 according to Hindu rites and ceremonies. The petitioner has been working as a Manager in Aggarwal Industries, Kachha Beri Road, Near Old Bus stand, Garhi Mohalla, Rohtak, and has been deriving monthly income to the tune of Rs. 35,000/- per month and he also owns immovable properties. The respondent-wife is unable to maintain herself. The petitioner has neglected and refused to maintain her and she is entirely dependent upon her parents.

The petitioner has contested the claim of the respondent on the

ground that he was only a casual laborer, his minor daughter was residing

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with him and he was also taking care of his old aged persons and was, therefore, unable to go out of his house and earn any livelihood. The respondent-wife, on the other hand, was working in Ambala and was deriving handsome amount of money. The income of her father, who was also a retired Government employee, was also sufficient to maintain her. Therefore, he urged for dismissal of the claim of the respondent.

The learned Additional Principal Judge, after considering the contentions raised by both the parties, passed the impugned order thereby directing the petitioner to pay interim maintenance to the tune of Rs. 3000/- per month to the respondent during the pendency of the main petition from the date of filing of the application.

It is, inter alia, submitted by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law as the minor daughter of the petitioner is living with him and it is he, who is bearing entire expenses of her education etc. He has five sisters and old parents to take care of. He is still ready and willing to keep the respondent-wife with him and to maintain her, but she has taken their male child along with her and has withdrawn from his company willingly. The respondent is residing with one Ravinder son of Raj Singh. She has withdrawn from his company without any reasonable cause. Hence, it is urged by him that the impugned order of granting interim maintenance to her is not sustainable.

I have heard learned counsel for the petitioner and have gone through the documents placed on record. It is revealed from the record that the respondent is admittedly legally wedded wife of the petitioner. It is also revealed that they are living separately. The petitioner, at this stage, has not produced any material on record to show that the respondent is capable of maintaining herself and is having any source of income. The petitioner on

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the other hand, is an able bodied young man. One of the children of the parties is staying with the respondent and one is with the petitioner. Though the petitioner has submitted that he has no source of income but in the affidavit which was sworn and submitted by him before learned Family Court, he had admitted that he has working in OK Life Care. Respondent has failed to produced any material on record, at this stage, to show that any genuine efforts made by him to rehabilitate the respondent back in his house or he has tried to bring the minor son of the parties with him. It is the responsibility of the petitioner to maintain his wife in a befitting manner. The learned Family Court, while keeping in view all these factors, had directed to him to pay an amount of Rs, 3000/- per month by way of interim maintenance. This amount cannot be stated to be excessive or on higher side rather the same is proper. The wife is entitled to maintain a standard of living which is neither luxurious nor penurious and is also entitled to lead decent life at par with dignity and status of the husband. The amount of Rs.3000/- is bare minimum for meeting with the basic necessities of life by the respondent-wife. Therefore, there is no reason to interfere with the observations as made by the learned Family Court at the timing of passing the impugned order.

Accordingly, the petition is dismissed.

November 06, 2023
himanshu

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No