

Neutral Citation No.2023:PHHC:150828

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

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**CRR(F) No.1651 of 2023
Date of Decision: 23.11.2023**

Devki Nandan

... Petitioner

Versus

Rukmani

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj Makkar, Advocate,
for the petitioner.

MANISHA BATRA, J.

1. The petitioner has sought indulgence of this Court for invoking its revisional jurisdiction for interfering with an order dated 28.09.2023 passed by learned Principal Judge, Family Court, Rohtak in Maintenance Application No.143 of 2022 titled as Rukmani v. Devki Nandan whereby interim maintenance to the tune of Rs.20,000/- per month to the respondent who is his wife, from the date of filing of the application i.e. 21.04.2022 till final decision, has been allowed. The respondent was also held entitled to litigation expenses to the tune of Rs.11,000/-.

2. Brief facts of the case relevant for the purpose of disposal of this revision petition are that the respondent has filed the aforementioned maintenance application before the Court of learned Principal Judge, Family Court, Rohtak seeking maintenance to the tune of Rs.30,000/- per month from the present petitioner who is her husband by pleading that

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she got married with the petitioner on 07.12.1993. A female child was born to them who is now married. The petitioner is indulged in the vices of drinking liquor and have been treating her with cruelty by extending beatings to her in the state of intoxication. He is having illicit relationship with some female and on her objecting to the same, he has thrown her out of her matrimonial house on 10.01.2021 and has provided another accommodation to her, which is not even fit for human habitation. The petitioner owns a big house. He runs a banquet hall and owns other substantial properties. His monthly income is more than Rs.5 lacs from all sources. The respondent, on the other hand, has no source of income. She is unable to maintain herself and is fully dependent upon the petitioner. Therefore, she has prayed for grant of maintenance to the tune of Rs.30,000/- per month to her. Vide the impugned order, the learned trial Court has granted interim maintenance to the tune of Rs.20,000/- per month from the date of filing of the application till the decision of the main petition.

3. Learned counsel for the petitioner has argued that the impugned order is not sustainable in the eyes of law and has caused manifest injustice to him as the same suffers from legal infirmities and has been passed while ignoring the actual facts. He submits that the respondent is a professionally qualified person who earns a sum of about Rs.50,000/- per month by taking tuitions. She is residing in the house of the petitioner herself and her household expenses are paid by the petitioner. She is fully capable of maintaining herself. Learned Family Court has wrongly assessed his monthly income as Rs.70,000/- to Rs.80,000/- by way of guesswork and not

on the basis of the material available on record. Hence, he has argued that the impugned order is liable to be reversed.

4. The petitioner is admittedly living separately from the respondent-wife. Though he has pleaded that the respondent is earning a sum of about Rs.50,000/- per month but it is explicit from the impugned order that no such material has been placed on record of the Family Court by the petitioner at the time of disposal of the application for grant of interim maintenance. The learned Family Court on the basis of affirmation made by the petitioner in the affidavit and by considering that he owns 11 Kanals of agricultural land and two houses and further that he has other sources of income also, has awarded interim maintenance to the tune of Rs.20,000/- per month to the respondent. The amount of interim maintenance which has been directed to be paid by him to the respondent cannot be stated to be excessive. It is the moral as well as legal obligation of the petitioner to maintain his wife. It is well settled that a wife is entitled to maintain a standard of living which is neither luxurious nor penurious and is also entitled to lead a decent life yet at par with the dignity and status of the husband and keeping in view the commitment of the petitioner to meet the needs and requirements of food, shelter and medical treatment etc. of his wife.

5. Keeping in view the facts and circumstances of the case, I am of the considered opinion that the learned trial Court had rightly directed the petitioner to pay an amount of Rs.20,000/- per month as interim maintenance to the respondent wife and this amount cannot be stated to be excessive or inconsistent with the status of the petitioner and is bare

minimum and commensurate with her day to day requirement of food, lodging, medical expenses etc. It is well settled that order granting maintenance to helpless wife should not be lightly interfered with unless any illegality or manifest injustice is made out. No such illegality is, however, made out in this case in the impugned order. Therefore, I find no reason to interfere with the same. Accordingly, affirming the findings as given by learned trial Court, the revision petition is dismissed.

23.11.2023	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No