

2023:PHHC:154908

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.7314 of 2023
Date of Decision: 05.12.2023

Pankaj Ratanlal Vats

.....Revisionist-Petitioner.

Versus

Diksha

.....Respondent.

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

Present:- Ms. Ekakshra Mahajan Mandhar, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the revisionist-petitioner-husband (here-in-after to be referred as 'the husband') has laid challenge to order Annexure P-1 handed down by learned Principal Judge, Family Court at Bhiwani (for short 'the Family Court') on 07.10.2023 in the petition bearing **DMC No.507 of 2022** titled as '**Diksha Versus Pankaj Vats**', whereby the application moved by the respondent-wife (here-in-after to be referred as 'the wife') for seeking *pendente-lite* maintenance allowance, has been allowed and he (husband) has been directed to pay an amount of Rs.20,000/- per month to the wife on the above-said score.

2. I have heard learned counsel for the revisionist-petitioner-husband in the present revision-petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the husband contends that the wife has wrongly disclosed the monthly salary of the husband being Rs.one (01) lac whereas, in fact, he (husband) is getting salary @ Rs.80,000/- per month and thus, it is explicit that the wife has misrepresented the facts before the Family Court and moreover, she (wife) is a qualified person and it being so, she is quite capable to earn handsome income to maintain herself and in these circumstances, the impugned order is not legally sustainable and hence, the same deserves to be set-aside.

4. However, the afore-raised contentions are devoid of any force because in her affidavit Annexure P-8, as furnished by the wife before the Family Court disclosing therein her own income, assets and liabilities as well as the relevant information qua the husband, she (wife) has mentioned the annual salary of the husband as Rs.10(ten) lac and his monthly salary, when worked out on the basis of this amount, comes out to be Rs.83,333/- and not Rs.01 (one) lac. Moreover, admittedly, the respondent happens to be the legally wedded wife of the petitioner and therefore, she is entitled to claim *pendente-lite* maintenance allowance from him during the pendency of the above-mentioned divorce petition, so as to maintain the same living standard/life style which she would have enjoyed in the eventuality of her having been staying/residing with the husband.

5. As regards the contention qua the wife being qualified enough to earn sufficient income to maintain herself, it is pertinent to mention here that she had categorically deposed in her affidavit Annexure P-8 that she is not earning any income and rather, she is a student and there is nothing on

the file, at this stage, to rebut or falsify the above-mentioned depositions as made by her (wife) in the afore-said affidavit.

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

December 05, 2023

Yag Dutt

(MEENAKSHI I. MEHTA)

JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No