

CR-7231 of 2023

2023:PHHC:153699

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

CR-7231 of 2023

Date of decision: 01.12.2023

Manpreet Kaur

.....Petitioners

Versus

Gurpreet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. T.S. Attariwala, Advocate,
for the petitioners.

NAMIT KUMAR, J.

1. Instant revision petition has been filed under Article 227 of the Constitution of India for enhancement of interim maintenance by modifying the order dated 22.05.2023 (Annexure P-1) passed by the Court of Principal Judge, Family Court, Bathinda.

2. Briefly stated, the parties got married on 16.10.2008 and one son, namely, Harjot Singh was born from the said wedlock. The differences cropped up between the parties and respondent-husband filed a petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') for dissolution of marriage by a decree of divorce. Petitioner-wife filed an application under Section 24 of the Act for grant of maintenance *pendent lite*. The application was allowed by the Family Court vide order dated 22.05.2023 and petitioner-wife was awarded maintenance *pendente lite* @ Rs.4,000/- per month from the

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date of filing the application along with one time litigation expenses to the tune of Rs.3,000/-.

3. Learned counsel for the petitioner contended that the Family Court failed to appreciate that petitioner is a household lady and having no source of income. He further contended that she is residing with her old parents at the mercy of her brother. He further contended that the Family Court also failed to appreciate that respondent-husband is a agriculturist and earning an amount of Rs.1,50,000/- per month. He contended that interim maintenance @ Rs.4,000/- per month awarded to the petitioner by the Family Court is on the lower side.

4. I have heard learned counsel for the petitioner and perused the record.

5. Admittedly, the relations between the parties have turned sour, therefore, the petitioner-wife is residing at her parental home. She filed an application under Section 125 Cr.P.C., wherein vide order dated 18.03.2023 she was awarded maintenance allowance at the rate of Rs.2,500/- per month from the date of filing of application i.e. 07.07.2022. Thereafter, she filed an application under Section 13 of the Act for grant of maintenance *pendente lite* @ Rs.30,000/- per month. The Family Court after considering the fact that respondent-husband is maintaining his son and ailing mother and assessing his income @ Rs.15,000/- to Rs.20,000/- per month awarded maintenance *pendente lite* @ Rs.4,000/- per month. Petitioner-wife has neither been able to show that the estimation of the income of the respondent-husband is incorrect or that he has a much higher monthly income. By taking into

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consideration the circumstances of both the parties, the Family Court has granted reasonable interim maintenance to the petitioner-wife.

6. The impugned order passed by the Family Court well-reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

7. Finding no merit in the revision petition, the same stands dismissed.

01.12.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No