109

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1732-2023 (O&M)
Date of decision: 13.09.2024

Vineet

...Petitioner

Versus

Neeru

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rakesh Nehra, Sr. Advocate with
Ms. Himani Anand, Advocate for the petitioner.

****

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 10.01.2023 passed by the Court of Principal Judge, Family Court, Charkhi Dadri, whereby the application filed by the respondent-wife under Section 24 of the Hindu Marriage Act, 1955 for grant of maintenance pendente lite and litigation expenses, has been partly allowed.

2. On behalf of the petitioner, it has been submitted that in the present case, although, the gross salary of the petitioner is Rs.88,544/- per month but out of the said salary, income tax that is being paid is Rs.5000/- per month and there is a further deduction from the gross income/salary to the extent of Rs.7228/- per month and thus net income of the petitioner is Rs.76,316/- per month. It is further submitted that in addition to the same,

the petitioner is paying personal loan of an amount Rs.21,849/- per month and in support of the said contention, account statement of HDFC Bank (Annexure P-4) has been referred to. It is further submitted that as per the case of the petitioner, the said personal loan amount of Rs.21,849/-, which the petitioner is paying per month, also deserves to be deducted from the net income of Rs.76,316/- after which the said amount would come to Rs.54,467/- and that out of the said amount, it is difficult for the petitioner to pay an amount of Rs.15,000/- per month to the wife and Rs.5000/- per month to the minor daughter in addition to an amount of Rs.500/- per Court hearing, which was granted to the respondent-wife. It is submitted that the amount of maintenance awarded be accordingly reduced.

3. This Court has considered the arguments raised on behalf of the petitioner and has perused the paper book.

4. A perusal of order dated 10.01.2023 would show that the Additional Sessions Judge, Charkhi Dadri, had taken into consideration the affidavit filed by the petitioner qua assets and liabilities and had come to the conclusion that the gross salary of the petitioner for the month of September, 2022 was Rs.88,544/-. The said aspect has not been disputed before this Court. The Additional Sessions Judge, Charkhi Dadri had also taken into consideration the deductions from the gross income/salary of Rs.7228/- and Rs.5000/- (total Rs.12,228/- i.e., the amount which has been highlighted above on behalf of the petitioner) and accordingly, the net income was assessed to be Rs.76,316/-. An argument has been raised on behalf of the petitioner to the effect that an amount of Rs.21,849/- further needs to be deducted from the net income since the petitioner is paying

Rs.21,849/- per month on account of personal loan and for the said purpose, reference has been made to Annexure P-4 i.e., the account statement of the petitioner of HDFC Bank. A perusal of the said account statement would show that the same is with respect to the period from 01.04.2022 upto 03.02.2023 i.e. of a period of ten months. In the entire statement, the petitioner has been able to highlight only three entries showing the deduction of Rs.21,849/- and thus, even if the said account statement is taken to be true on its face value then also the aggregate deduction with respect to the said loan amount would come to Rs.65,547/- (Rs.21,849/- x 3) for a period of ten months and would thus, come to Rs.6554/- per month and thus, the plea raised by the petitioner on the said count is found to be incorrect even on the basis of the documents on record i.e., the statement of account (Annexure P-4). Moreover, there is no document to show as to when the said loan was taken and for what purpose the same was taken. Further, even if the amount of Rs.6554/- is deducted from the net income of Rs.76,316/- then also it cannot be said that the amount of maintenance to the tune of Rs.15,000/- awarded to the wife and Rs.5000/- to the minor girl child in addition to Rs.500/- per Court hearing and a lump sum of Rs.5500/- as litigation expenses, is excessive more so, when there is nothing on record to show that the respondent-wife is earning anything.

5. The petitioner is stated to be an Inspector in the Customs Department and it is his duty to maintain his wife as well as his daughter in accordance with the status and standard of living which is consistent with the status of the family. In fact, the amount which has been awarded cannot even be regarded as being excessive, as, even in case an amount of

Rs.21,849/- is deducted from the net income then also the net income of the petitioner would come to Rs.54,467/-. Upon a pointed query raised by this Court as to whether the petitioner has cleared the amount which was awarded to the respondent wife and the minor daughter w.e.f. the date of application i.e. 31.05.2022, it has been fairly submitted that the petitioner has not been able to clear the entire amount and thus, on the said count also, the petitioner does not deserve any indulgence.

6. Keeping in view the abovesaid facts and circumstances, this Court finds that the impugned order dated 10.01.2023 is in accordance with law and the present revision petition is meritless and deserves to be dismissed and is accordingly, dismissed.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

13.09.2024 **(VIKAS BAHL)**
Pawan **JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**