

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 17663-2024 (O&M)
Date of Decision: 09.04.2024

Balvinder Singh.....Petitioner

Versus

Amandeep Kaur.....Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Chajju Khan, Advocate
for the petitioner.

NIDHI GUPTA, J.(ORAL)

1. Challenge in the present petition is to judgment dated 19.02.2024 passed by the learned Additional Sessions Judge, SAS Nagar, Mohali (Annexure P-1) affirming the judgment dated 07.07.2023 passed by the learned Judicial Magistrate 1st Class, Kharar (Annexure P-2) whereby the petitioner-husband has been directed to pay Rs. 20,000/- per month to the respondent wife as interim maintenance in a petition filed by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short ‘the DV Act’).
2. Learned counsel for the petitioner *inter alia* submits that the petitioner was married to the respondent on 25.10.2009. One son was born out of their wedlock on 03.08.2011 who is currently in care and custody of the respondent-wife. It is submitted that due to matrimonial differences, the parties started living separately; and subsequently the respondent filed the

Act seeking grant of relief under Sections 18, 19, 20 and 22 of the DV Act.

3. Learned counsel contends that the respondent is not entitled to the impugned maintenance as the petitioner has bought a flat for the respondent where she is residing with the child, whereas the petitioner is living in rented accommodation for which he is paying ₹5000 per month as rent. It is stated that even the shop being run by the petitioner is on rent. Moreover, the petitioner has been disowned by his parents by publishing news items in the newspaper. It is stated that the petitioner is a patient of depression and heart and is under treatment for the same.

4. Learned counsel further contends that the respondent is a well qualified lady and she is getting an income of Rs. 35,000/- per month by giving private tuitions. It is stated that accordingly interim maintenance of Rs. 20,000/- per month granted vide impugned order is on the higher side and deserves to be set aside.

5. No other argument is made on behalf of the petitioner. I have heard learned counsel for the petitioner and perused the case file in detail.

6. A perusal of the order dated 07.07.2023 passed by the learned JMIC, Kharar reveals that the petitioner is entitled to a share in the agricultural income of Rs. 5 lac per year from the inherited property of his father and is also drawing a share in the rental income from the shops given on rent by his father. In this way, petitioner is earning an income of Rs. 1.5 lac per month from all the sources. The petitioner had not denied factum of the said income before the learned JMIC, Kharar.

In addition to the above, relevant findings of the learned

19.02.2024 are as follows:-

“From the submission of the learned counsel for the revisionist, learned counsel for the respondent and from the perusal of the file, it is clear that Balwinder Singh was married to Amandeep Kaur and it is admitted that out of their wedlock one children Sahibpreet Singh was born out. It is also admitted during the course of arguments that Balwinder Singh is running the business of Spare parts at Kharar. This Court is of the considered view that a person who running the business of car spare parts, Rs.1 lacs can easily obtain from the said business. The learned counsel for the revisionist during the course of arguments put the main stress that he is disowned by his parents from their movable and immovable property but since Balwinder Singh himself admitted that he is running the business of Spare parts and he could easily get the amount of Rs.1 lacs and after spending the 50% of his income for his treatment and other expenses, an amount of Rs.50,000/- is remained. It is the social and legal duty of every husband to maintain his wife and it is also the social and legal duty of the father to maintain his children. The Trial Court has rightly hold that the respondent/applicant Amandeep Kaur is entitled to receive Rs.20,000/- per month and she alongwith her son are also entitled to residing in the flat No.22/A Shimla Homes Desu Majra, Kharar. During the course of arguments, the learned counsel for the revisionist argued that respondent Amandeep kaur is highly educated lady and she is getting an amount of Rs.35,000/- per month from the private tuitions but no such record is on the file regarding earning capacity of Amandeep Kaur.”

7. Learned counsel for the petitioner is unable to dispute the above said findings of the learned Courts below. In view of the same, I find no ground is made out to interfere in the impugned orders. The present petition accordingly stands **dismissed**.

Pending applications, if any, stand disposed of.

09.04.2024
Rajeev (rvs)

(NIDHI GUPTA)
JUDGE