



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

CR-3848-2024 (O&M)
Date of Decision: - 12.07.2024

AMIT GUPTA

. . . . PETITIONER

Vs.

POONAM KUMARI

. . . . RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Suman Beniwal, Advocate, for the petitioner.

DEEPAK GUPTA, J.

By way of this revision petition, petitioner has challenged order dated 16.12.2022 (*Annexure P6*) passed by Ld. Chief Judicial Magistrate, Bilaspur (HP).

2.1 Perusal of the paper-book reveals that application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [*for short 'the DV Act'*] was filed by wife-Poonam Kumari (*respondent herein*) against husband-Amit Gupta (*petitioner herein*) in the Court of Id. Chief Judicial Magistrate, Bilaspur (HP). On an application under Section 23 of the DV Act for grant of interim maintenance, after taking the reply and affidavits of both the sides, the impugned order dated 16.12.2022 (*Annexure P6*) was passed, whereby the husband (*petitioner herein*) was directed to pay an amount of ₹10,000/- per month as interim maintenance to the wife.

2.2 Later on, vide an order dated 27.04.2023 passed by Hon'ble Supreme Court in *Transfer Petitioner (Criminal) No.42-43 of 2023*, said complaint pertaining to DV Act and another petition under Section 125 CrPC, as pending before the Courts at Bilaspur (HP), were transferred to the family Court, Panchkula. It is how that the complaint is now pending before the Fam-

ily Court, Panchkula.

3. Petitioner is against the impugned order regarding the quantum of interim maintenance.
4. However, on specific query put to ld. counsel, it is conceded by her that despite the fact that impugned order was passed on 16.12.2022, not even a single penny has been paid by the husband (*petitioner herein*) to the wife (*respondent herein*) till date. This court also notices that the impugned order has been challenged by way of this petition in July 2024 i.e. after more than 1½ year and that too without paying any penny to the wife till date. This conduct on the part of the petitioner-husband in itself disentitles him to claim any relief.
5. Apart from above, the impugned order would reveal that petitioner by way of his affidavit had claimed his income to be ₹12,000/- per month and that he was running a shop. However, the trial Court, considering the status of the petitioner, was of the view that he was earning not less than ₹30,000/- per month and based thereon, the interim maintenance of ₹10,000/- per month was allowed.
6. This Court does not find any illegality or perversity in the impugned order, calling for any interference.
7. Dismissed.

12.07.2024
Neetika

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No