

2024:PHHC:090959



(126) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4006-2024 (O&M)
DATE OF DECISION:-19.07.2024

Kapil Shukla ...Petitioner.

Vs.

Priya Sharma ...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Berjeshwar Singh Jaswal, Advocate,
for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present revision petition filed under Article 227 of the Constitution of India, challenge has been laid to an order dated 24.04.2024 (Annexure P-9) passed by the Court of Additional Sessions Judge, Gurugram, whereby, an appeal filed under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (for short, “2005 Act”) against an order dated 21.11.2023 passed by the Judicial Magistrate Ist Class, Gurugram, has been dismissed.
2. In the present case, on account of matrimonial discord, the respondent-wife filed various cases against the petitioner including FIR No.47 dated 10.07.2020, registered under Sections 498-A, 406, 506, 323, 34 IPC, at Police Station Women West Gurugram, divorce petition under Section 13-B of the Hindu Marriage Act, 1955 as well as petition under Section 125 Cr.P.C. Later on, divorce petition was withdrawn by the

respondent-wife on 20.09.2023 and petition under Section 125 Cr.P.C. for interim maintenance was dismissed by the ld. Trial Court, vide order dated 12.03.2024. Thereafter, the respondent filed a complaint under Section 12 of the 2005 Act, against the petitioner and his family members, claiming relief for grant of interim maintenance, which was allowed by the learned trial Court vide its order dated 21.11.2023, while awarding a sum of Rs.10,000/- per month to the respondent-wife.

3. Aggrieved thereof, the petitioner-husband filed an appeal before the Court of Additional Sessions Judge, Gurugram, which came to be dismissed vide order dated 24.04.2024.

4. Impugning the aforementioned orders, learned counsel for the petitioner submits that in the given facts and circumstances, wherein, the petitioner was drawing a salary of Rs.72,000/-, whereas respondent was getting around Rs.47,000/-, awarding an interim maintenance @ Rs.10,000/- in favour of respondent-wife was on the higher side, especially, in a situation, where the respondent-wife has filed multiple frivolous litigation against the petitioner-husband, for which, he has to travel a lot and spent expenditure thereupon. No other argument has been addressed.

5. I have heard learned counsel for the petitioner and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

6. Perusal of impugned orders show that the same merely relate to grant of interim maintenance and the final determination thereof is yet to be made; as rightly observed by the Appellate Court in its order that any variation in the amount of interim maintenance at the time of final conclusion would always be adjustable.

7. Furthermore, it has also been recorded that interim maintenance @Rs.10,000/- has been granted while considering the right of the respondent-wife as regards the alternative accommodation, besides her maintenance. In such circumstances, grant of Rs.10,000/- as interim maintenance to respondent-wife in the given facts and circumstances, by any stretch of imagination cannot be held to be exaggerated or arbitrary.
8. Accordingly, finding no illegality or perversity in the impugned orders passed by the Courts below, the present petition is dismissed.
9. Pending application, if any, also stands disposed of.

19.07.2024
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No