

**(IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH************I. CR-8130-2019 (O&M)****PUNEET DHAWAN**

...PETITIONER

Vs.

SOMYA DHAWAN AND ANOTHER

.... RESPONDENTS

**********II. CR-6254-2019 (O&M)****MRS. SOMYA DHAWAN**

...PETITIONER

Vs.

MR. PUNEET DHAWAN AND ANOTHER

.... RESPONDENTS

**********Date of Decision: 09.12.2024****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Nikhil K. Chopra, Advocate
for the petitioner (in CR-8130-2019)
for the respondents (in CR-6254-2019)

Mr. Aditya Sheoran, Advocate
for the petitioner (in CR-6254-2019)
for respondent No.1 (in CR-8130-2019)

DEEPAK GUPTA, J.

This order shall dispose of two revision petitions as above, as both of them have arisen against the same order dated 17.08.2019 on an application under Section 24 of the Hindu Marriage Act, 1955 [for short 'the Act'].

2. Marriage between the parties was solemnized on 09.07.2005. Parties were blessed with a son on 24.03.2006. Parties are living separately since 2014. Wife Smt. Somya filed petition under Section 13 of the Act seeking decree of divorce on the ground of cruelty and adultery in July, 2017. Said petition is being contested by the husband-Puneet Dhawan. During the proceedings, the wife moved an application under Section 24 of the Act

seeking interim maintenance @ ₹2 lakh per month for herself as well as for her minor son besides the litigation expenses. Husband opposed the application. Vide impugned order dated 17.08.2019, the Family Court, Chandigarh, allowed interim maintenance @ ₹20,000/- per month payable by the husband to the wife besides an amount of ₹22,000/- as litigation expenses.

3. Against the aforesaid order, wife filed CR-6254-2019 seeking enhancement; whereas husband filed CR-8130-2019 seeking setting aside of the impugned order.

4. Before this Court, parties were sent for mediation. Unfortunately, mediation failed. At the direction of this Court, both the parties have filed their respective affidavits regarding their assets and liabilities.

5. I have considered submissions of counsel for both the sides and have appraised the record.

6. Ld. counsel for the wife has placed on record a comparison chart of assets and income of the husband, which indicates:

i) that husband had 9.72% share in House No.230 Sector 9, Chandigarh measuring 6 kanal. However, as per the affidavit of the husband, he had gifted his share in favour of his uncle-Harmohan Dhawan on 19.01.2018. It is contended by ld. counsel for the wife that said transfer during pendency of the petition was a sham and collusive to avoid payment of the maintenance. Besides, no proof of the transfer has been placed on record.

ii) Further, the husband had 25% share in House No.227, Sector 9, Chandigarh measuring 6 kanal, in which both the parties are presently residing. The wife is residing in a room on the First Floor; whereas, the husband is residing at the ground floor. As per the husband, he had 20% share in the said house, but he had gifted the same to his mother way back on 10.10.2013. Ld. counsel for the wife contends that no reason has been

assigned for gifting the said house in 2013, when matrimonial issues had started between the parties. The husband also claims that he is currently residing in the house as a licensee.

iii) Another asset of the husband is stated to be his directorship in the family owned company, namely, HIM Engineering Private Limited. Although the husband admits that he was Director in the said company from 2001, but claims that he had resigned on 25.10.2022. Counsel for the wife submits that no reason has been given by the husband for resigning from the Directorship despite admitting to the receipt of ₹45,000/- per month as salary.

iv) Wife further claims that husband is owner of Kennel business and was earning ₹2 lakh per month from the said business. The husband admits the existence of the said business, but claims that it is not profit making. Counsel for the wife submits that no statement of accounts/balance sheet has been annexed by the husband to support the claim.

7. Although it appears from the circumstances that husband has avoided to make payment of the interim maintenance by transferring his share in the immoveable properties in the name of his uncle or his mother and has not shown any statement of accounts regarding Kennel business and has also resigned from the directorship in the family business of HIM Engineering Private Limited in 2022 i.e. much after filing of the divorce petition and has not even furnished the statement of accounts, but at the same time, this Court cannot ignore the fact that even the wife is a practicing lawyer. Although in her affidavit filed before this Court, wife has claimed that presently, she is not earning anything but as observed by the trial Court in the impugned order, the income Tax Returns for the Assessment Year 2008-2009 to 2018-2019 of the wife were placed on record. The latest ITR for the year 2018-2019 revealed the gross income of the wife to be ₹2,03,500/-. In the year 2017-18, it was ₹4,16,957/- and in the year 2016-17, it was

₹3,91,363/-. In her affidavit, the wife claims that she has not filed any ITR for the past previous year.

8. It appears from the circumstances that despite being practicing lawyer of the long standing, the wife has intentionally avoided to file the ITR so as to conceal her income from the court.

9. In all the abovesaid facts and circumstances, this Court feels that when the wife is residing in the same house, where the husband is residing as a licensee, and the husband is bearing the expenses of education etc. of the son of the parties, as is mentioned in his affidavit, the maintenance amount of ₹20,000/- per month as awarded by the Family Court to the wife is neither on the excessive side nor on the lower side.

10. Consequently, this Court does not find any reason to interfere in the impugned order. Both the revision petitions are accordingly dismissed.

All the pending misc. application(s), as moved by the parties in two petitions, also stand disposed of.

A photocopy of this order be placed on the file of connected case.

09.12.2024
Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes
No