



CR-7537-2023 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

320

CR-7537-2023 (O&M)
Reserved on:22.04.2024
Pronouncement on:13.05.2024

Gautam Singal

... Petitioner

Vs.

Anju Singal

... Respondent

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.Present: Ms. Promila Nain, Advocate and
Ms. Harveen Mehta, Advocate for the petitioner.

Mr. Nitin Jain, Advocate for the respondent.

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SUKHVINDER KAUR, J.

1. The instant revision petition has been filed by the revision petitioner/husband for setting aside the order dated 15.10.2022 (Annexure P-1) passed by the Additional Chief Judicial Magistrate, SAS Nagar in complaint No.25/2020 dated 23.06.2020, vide which the interim maintenance of Rs.64,000/- to the respondent and two children of the parties has been granted and order dated 14.09.2023 (Annexure P-2) passed by the Additional Sessions Judge, SAS Nagar, vide which the appeal filed against such order by the petitioner/husband was partly allowed to the extent that petitioner is to pay arrears of maintenance to



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his daughter only till she attained majority from the date of application.

2. The brief facts as pleaded in the petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter to be referred to as 'D.V. Act') by respondent – Anju Singal are that she was married with the revision petitioner on 11.11.2001 at Ludhiana and after marriage, they resided at different places. Two children i.e. one daughter Divyanka Singal and son Kabir Singal (aged about 16 and 13 years respectively at the time of filing of the complaint under the D.V. Act) were born out of their wedlock. It was alleged that the respondent was in domestic relationship with the revision petitioner, but he physically and mentally tortured her and she is an aggrieved person. Both the children have also been victimized by the revision petitioner. So, the present application was also being filed for and on behalf of children and she has no adverse interest to that of the children. Revision petitioner used to rebuke and hurl abuses at the respondent and made her an object of sexual lust without any emotional attachment towards her. Under the influence of power wielded, he also used to keep respondent in a grip of terror and she was neither allowed to meet and talk to her relatives nor permitted to visit any of her relatives. All of her finances were squeezed by the revision petitioner and she was not able to meet her personal requirements due to said reason. It has been averred that she kept on tolerating this unjust and



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cruel behaviour of the revision petitioner with the hope that better sense would prevail upon him. In the year 2010, at the asking of the revision petitioner, respondent shifted to the flat at Zirakpur and stayed there till year 2016. During the said period, she was mentally tortured by the revision petitioner and his mother and he even started physically assaulting her. The daughter of parties was detected with OCD syndrome. He used to openly proclaim that he being an officer could still get married to a much younger and rich girl. In the year 2014, she came to know that revision petitioner was leading deceitful life. In the year 2016, he was allotted accommodation at Mohali and they started residing there. The revision petitioner was posted at Ludhiana. Father of the respondent passed away in the year 2016 and thereafter the revision petitioner pressed upon her to get share of property left by her father and on her refusal, increased his atrocities. On 04.05.2020 at 7.00 P.M., revision petitioner and his mother came to the house and created nuisance to pressurize the respondent and her children to shift at Ludhiana. As her children were studying in Mohali, so she refused to shift, due to the future career of the children and the children also refused to shift there. Infuriated he in a fit of rage and anger went to the extent of physically assaulting his daughter who was undergoing treatment of OCD Syndrome for the last 9 months. Respondent filed an application before the DGP. In order to scare the respondent, the



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revision petitioner called the SHO, P.S. Phase-11, Mohali, who threatened the respondent. So by misusing his official position, he coerced the respondent to vacate the house. She made a formal request to the higher officials seeking accommodation and they allotted the flat to the respondent till 15.07.2020. The revision petitioner has refused to maintain the respondent and her children. It has been alleged that it is a statutory and moral obligation of the revision petitioner to provide residence to the respondent being his legally wedded wife and the children, who are dependent upon him. The revision petitioner clandestinely withdrew the son Kabir Singh from the school without the knowledge of the respondent but she got his admission restored. It was also averred that the life style adopted and being lived by the revision petitioner undisputedly proved that he has abundant resources at his disposal. He went to various foreign trips during the short span of three years without the respondent and children. The revision petitioner is a P.P.S. Officer and was posted at Ferozepur and his salary was about Rs.2,00,000/- P.M. He is also having income from properties at Malerkotla, Ludhiana and Zirakpur. Their daughter had done matriculation and son was studying in 8th standard and monthly education expenses were Rs.15,000/- per child. The daughter was an OCD patient and her medical expenses were Rs.20,000/- P.M. It was alleged that the respondent required Rs.50,000/- for herself and sought



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maintenance @ 1,30,000/- P.M. She has prayed for various other reliefs under the D.V. Act and also filed an application for interim relief under Section 23 of the D.V. Act on the same grounds.

3. Upon notice, revision petitioner (respondent in the original petition filed under the D.V. Act) filed reply by raising the objections that allegations made by the respondent were totally false and is abuse of the benevolent provisions of the D.V. Act. She is not at all an aggrieved person within the meaning of the D.V. Act. It was alleged that the respondent was disrespectful and sly wife of the revision petitioner and was using the D.V. Act as a weapon rather than as a shield and has not approached the Court with clean hands. It was averred that the respondent in her desperation to arrange huge funds at the earliest for immigrating and permanently settling in Canada in connivance with her uncle (fufa) Sh. B. K. Garg, IPS, retired ADGP Punjab, now resident of Canada and a rich businessman in Sand Mining and Pharmaceuticals in Punjab and many other States and in connivance with her brother, Rahul Goyal, Excise Inspector residing at Bathinda and other parental family members, over the last few years with desire to become rich overnight conspired to get involved by getting the revision petitioner in false cases in order to terrorize, intimidate, blackmail and extract a huge sum of money from him. It has been further alleged that he came to know that with a motive to



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clandestinely send both the children to Canada in the custody of said *fufa* B.K. Garg residing there, she got issued new passports of both their children from the Regional Passport Office, Chandigarh in July/August, 2021 without knowledge and consent of the revision petitioner. She deliberately concealed her intentions to immigrate and permanently settle in Canada along with children of the parties where her paternal uncle and aunt, her cousins and her one younger brother are already residing as citizens/permanent residents. It has been denied that the revision petition has ever committed any act of alleged cruelty during about 20 years of their matrimonial life. The respondent has herself withdrawn from the society of revision petitioner on 16.05.2020 without any reasonable and justifiable cause and has filed the present complaint to fulfill her own desires by ignoring the future of the children. She has restrained the children from meeting with the revision petitioner and even talking with him on phone since 16.05.2020, which amounts to illegal custody of the children. It was further alleged that revision petitioner filed complaint to SSP, SAS Nagar as B. K. Garg was alluring his daughter for her abuse, exploitation and trafficking to Canada. It was alleged that the respondent is educated, but highly selfish and greedy by nature. During 18 years of their marriage, the parents of the respondent never made any complaint regarding alleged wrongful act by the revision petitioner. The revision petition has also



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filed a petition under section 9 of Hindu Marriage Act for restitution of conjugal rights. Mediation proceedings were also started at the instance of parents of the revision petitioner, but respondent made undue demands. In July, 2019, the revision petitioner was transferred from Mohali to Ludhiana, but due to academic session of their children, the family was not shifted. The parties had planned to move to parental house in Ludhiana in March/April 2020 and so he had written to higher authorities to cancel the flat at Zirakpur. The revision petition also got family health insurance renewed and their daughter was being treated by a renowned doctor in Ludhiana. On 10.05.2020, the petitioner came to his official residence at SAS Nagar and when he asked the respondent to start packing household articles, she started abusing the revision petitioner and refused to accept the request of revision petition for shifting to Ludhiana. She held a press conference on 17.02.2020 to defame the revision petitioner. She also filed a suit for permanent injunction. She also recorded video and audio clips during casual or jovial talks in order to use them later on to mislead the police as well as in the Court cases against the revision petitioner. She took away her own passport and passports of the children of the parties from cupboard of bedroom of the parties without any information to the revision petitioner. She also destroyed photographs/videos clips recorded by the revision petitioner during the time spent with the children since their



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birth. It was also averred that possibility of their daughter having suffered OCD syndrome due to being secretly drugged by harmful intoxicating drugs over a period of time by the wife of the revision petitioner's parental family residing at Bathinda on the instructions of B.K. Garg cannot be ruled out. There were no previous symptoms or any history of mental illness or any metal abnormal behaviour of the daughter of the parties and she had been a brilliant student throughout. The revision petitioner himself was suffering from multiple health problems during the year 2018-19. It has been alleged that the respondent had deliberately removed the children from custody of the revision petitioner since 16.05.2020. A reference has also been made to the academic career and progression achievements of the revision petitioner while alleging that he joined police as Probationary Inspector in December, 1993 and remained posted at various positions. Both father and mother of the revision petitioner are doctors and younger brother is also a doctor. It has been denied that the respondent is the aggrieved person rather conduct of respondent towards the revision petitioner is mentally torturing. It was admitted that it is a statutory and moral obligation of the revision petitioner to maintain the respondent and their children, but only if they are residing in the company of the revision petitioner. It has been alleged that the respondent has withdrawn from the company of the revision petitioner without any



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sufficient cause and with her own sweet will, she vacated the govt. accommodation on 21.02.2021 and shifted to private residence. It has been denied that revision petitioner is leading a luxurious life and has alleged that the details of movable and immovable properties in his name and details of his assets and liabilities had already been furnished. It has been averred that respondent has income from trading of shares which she has concealed. It has been alleged that the respondent is not entitled to any relief from the Court and also prayed for dismissal of the application filed under Section 23 of the Act.

4. The aforesaid application under Section 23 of the D.V. Act was allowed by the trial Court vide the impugned order dated 15.10.2022 while allowing maintenance to the tune of Rs.14,000/- P.M. for minor son, Rs.20,000/- for daughter and Rs.30,000/- for respondent/wife (in total Rs.64,000/- P.M.) from 23.06.2020 i.e. the date of the application. Appeal against the said order was preferred both by the revision petitioner/husband and the respondent/wife before the Court of Additional Sessions Judge, SAS Nagar, Mohali. Appeal filed by respondent Anju Singal was dismissed vide order dated 14.09.2023 of the said Court, while appeal filed by revision petitioner/husband was partly allowed to the extent that he would be paying arrears of maintenance to his daughter only till she attains 18 years of age. Aggrieved by the impugned orders dated 15.10.2022 of Additional



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Chief Judicial Magistrate, SAS Nagar, Mohali and 14.09.2023 of Additional Sessions Judge, SAS Nagar, Mohali, the revision petitioner – Gautam Singal has knocked the doors of this Court by way of filing the present revision petition.

5. Learned counsel for the revision petitioner has contended that both the Courts have erred in law as well as on facts in evidence while passing the impugned orders as both the children are not party to the application/complaint filed by the respondent under the D.V. Act. She has further contended that both the Courts have also failed to appreciate the fact that it is the respondent who has willfully deserted and abandoned the revision petitioner and has withdrawn from his society since 16.05.2020 as part of pre-planned conspiracy. The Courts below have arbitrarily foisted the revision petitioner with liability of paying interim maintenance of Rs.64,000/-. No prima facie observation of domestic violence has been made in the impugned orders and in the absence thereof, the maintenance could not have been granted. She has argued that the revision petitioner is willing to provide all the resources at his disposal for welfare of their children. The respondent has not come to the Court with clean hands. Earlier she had alleged that she has no source of income, but in the affidavit of assets and liabilities, she disclosed her monthly income of Rs.3000/- to Rs.4000/- per month from the shares by alleging that her investment was not more than



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Rs.40,000/-. She has urged that both the Courts below have erroneously ignored the statement of business transactions for trading in stocks and shares made by respondent through her Demat bank account of ICICI bank, showing investment/trading of upto about Rs.2 lakhs which clearly reflects that the respondent had filed false affidavit before the trial Court and she is in her business of stocks and shares since the year 2005-06. She has further urged that all the household articles valuable and jewellery continued to be in exclusive possession of the respondent due to sudden restraint order passed by the Civil Court on 16.05.2020 when the revision petitioner was on duty at Ludhiana. She has argued that only a vague plea has been taken by the respondent that she is being extended financial help by her brother and it has not been specified that who out of two brothers has been extending financial help to her and from which date and in which manner. She has further argued that respondent is highly educated, independent and is earning handsome monthly income and had spent more than Rs.25 lakhs for admission of their daughter in an University of Toronto in Canada. She has submitted that daughter of the revision petitioner, Divyanka Singal is now major and who as per version of the respondent is presently residing and working in Canada and is not entitled to any maintenance as his daughter herself has not filed any maintenance petition against the revision petitioner. The respondent herself has failed to produce any



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documentary evidence with regard to the amount spent on her education and psychiatric treatment. So order of the Appellate Court is contrary to the facts that daughter of the revision petitioner is entitled to maintenance from the date of application till she becomes major when no proof with regard to her education expenses and medical expenses has been placed on record by the respondent. She has also submitted that from May, 2021, the revision petitioner started depositing sum of Rs.1 lakh per year in HDFC Life Six Years Children Education Plan in the name of minor son i.e. @ Rs.8,500/- per month and till date sum of Rs.3 lakhs has been deposited in his account. The policy will mature in May, 2026 and he will get total amount of Rs.7 lakhs to Rs.10 lakhs including bonus. He has also made investment for his daughter. He has also taken Family Medial Health Insurance Plan for upto Rs.13.5 lakhs per year and both the children and respondent are covered under the same which includes medical expenses upto Rs.13.5 lakhs in a year besides complimentary annual lab test, X-ray etc. She has contended that the maintenance granted to the respondent and two children is contrary to the facts and law. In support of her contentions, she has placed reliance upon the various decisions of i.e. **Deb Narayan Halder Vs. Smt. Anushree Halder** passed in **Appeal (Crl.) No.1059 of 2003**, **Sanjay Sudhakar Bhosale Vs. Khristina**, 2003 (4) RCR (Criminal) 189, **Smt. Archana Gutpa & another Vs. Sri Rajeev Gupta &**



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another passed in CRR-201 of 2006 on 18.11.2009, Smt. Ritu @
Ridhima & another Vs. Sandeep Singh Sangwan passed in CRR-
457-2022 on 15.03.2022 and Shilpashree J.M. Vs. Gurumanjunatha
A.S. in CRR-1324-2015 on 19.06.2023.

6. Per contra, learned counsel for the respondent has contended that the respondent along with her children is residing in a rented accommodation and is paying rent of Rs.23,500/- per month, as she was forced to leave the official accommodation. Being legally wedded wife, the respondent along with the children is entitled to get the maintenance and the facilities which she was enjoying while in the company of the revision petitioner, whose behaviour forced them to live a miserable life. He has submitted that the daughter of the respondent is suffering from OCD syndrome and expenses are being incurred for her treatment as well as for her dental treatment. She is also incurring expenses upon study of her son Kabir. Besides that she has to pay electricity bills, medical bills etc. While relying upon **Kalyan Dey Chowdhury Vs. Rita Dey Chowdhury Nee Nandy, 2017(2) RCR (Civil) 1033**, he has contended that rather the maintenance granted by the Courts below is on the lower side and which requires to be enhanced.

7. It emerges from the facts on record that the relationship between the parties is admitted. This fact is also not disputed that the



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revision petitioner is a senior police officer and is drawing handsome salary. Both the parties have levelled allegations and counter-allegations against each other. Nothing has been brought on record in order to prove that respondent- Anju Singal is employed anywhere. In the affidavit of assets and liabilities furnished before the trial Court, she has disclosed her income to be irregular from Rs.3000/- to Rs.4000/- from the shares. She has also disclosed the details of the dependent family members as her daughter Divyanka Singal and son Kabir and she is paying Rs.23,500/- per months as rent. She is also incurring expenses on the medication of her daughter who is suffering from OCD syndrome for the last about three years and has alleged that she is being financially supported by her parental family.

8. Respondent has placed on record copy of record of transactions in stock and share of the petitioner from June, 2020 to November, 2020 and asserted that she is earning handsome income from stock and shares made through Demat bank account in ICICI bank and she is not having a meagre income from stock trading as alleged. It has also been strongly asserted by learned counsel for the revision petitioner that respondent is responsible for non-joining the company of the revision petitioner and she has willfully deserted him and as such, she is not entitled to any maintenance.



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9. The allegations and counter-allegations of the parties are a matter of evidence and veracity of the version of the parties can only be adjudicated after leading the cogent evidence by the respective parties. At this stage, the revision petitioner cannot wriggle out of his responsibility to maintain his wife and children. No doubt in order to determine the needs and requirements of his wife and children, earnings of the husband and his liabilities are to be taken into account, besides the income of the wife, if any. As already observed, from the records, it transpires that respondent/wife is not gainfully employed anywhere and at this stage, sufficient material is not on record that she is having regular income from trading in stocks and shares which is sufficient to meet her needs and needs of her children.

10. I do not agree with this contention of learned counsel for the revision petitioner that no prima facie observation of domestic violence has been made in the impugned orders and in the absence thereof, the respondent could not have been granted any maintenance. The Gauhati High Court in the case of **Samsur Uddin Laskar Vs. State of Assam & others**, in Criminal Petition No.691 of 2021 decided on 02.06.2023 has held as under:

“The marriage between the petitioner and the mother of the respondent No. 2 is not disputed. It is also not disputed that the petitioner and the respondent No 2 were residing together in the shared household. The petitioner



has also not denied his relationship with respondent No. 2 as his daughter. [Section 23](#) of DV Act says about the interim relief. At this stage, only a prima facie view is required to be taken by the Magistrate in respect of the domestic violence and allegations of aggrieved may be taken at the face value, without being influenced by denial of the petitioner, of course, if there are cogent reasons or compelling circumstances, not to believe the same.”

11. In the instant case also, a prima facie view has been taken by the Courts below in respect of the domestic violence and being aggrieved at the face value and respondent and her children have been rightly held to be entitled to interim relief of maintenance under the D.V. Act.

12. It has been rightly held by the Courts below that the voluntary deductions being made by the revision petitioner from his salary towards long term savings which he would get back at the end of the service can be deemed to be an asset being created by the revision petitioner. So far as the education plan for the son is concerned, the son will get a handsome amount on maturity of said policy but it is also to be taken note of that both the children need money to meet their immediate education expenses, which are to be met with by the respondent. Though, the revision petitioner has alleged that he has taken health insurance plan covering the entire family, but even then the day to day usual medical expenses are to be met with. Thus, the



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respondent/wife needs expenses for herself and for her children. She is entitled to maintain same standard of life as she was enjoying at her matrimonial house. As per salary slip of the revision petitioner for January, 2022, his gross salary has been mentioned as Rs.1,94,488/- and carry home salary is Rs.1,32,953/-. It has been rightly observed by both the Courts below that even after making deductions, he is having sufficient income to pay maintenance to the respondent and her children. Considering all the above facts, both the Courts below have rightly reached at the conclusion that the interim maintenance to the tune of Rs.14,000/- per month to minor son, Rs.20,000/- per month to the daughter and Rs.30,000/- to the respondent/wife be awarded from the date of petition i.e. 23.06.2020 which is quite reasonable. The case law cited by learned counsel for petitioner is of no help to her, being based on distinguishable facts from the present case.

13. This fact is not disputed that now the daughter Divyanka Singal has attained the age of majority. The Appellate Court has modified the order of the trial Court to the extent that the daughter Divyanka Singal will be entitled to maintenance from the date of application till she attains the age of majority. This finding of the Appellate Court has neither been challenged by the respondent by way of filing any revision nor any contention in this respect has been raised at the time of addressing of arguments before this Court.



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14. Thus, there being no illegality or infirmity in the impugned orders, no interference therewith is called for while exercising the revisional jurisdiction. The present revision petition being bereft of any merits stands dismissed.

15. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

13.05.2024
harjeet

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |