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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-574-2025 (O&M)
Date of Decision: 24.04.2025

Dr. Ambrish Raja Garg

....Petitioner(s)

Versus

Kritika Rani and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jatinderpal Singh, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J.

1. The present revision petition has been filed challenging the impugned order dated 27.02.2025 passed by the learned Principal Judge, Family Court, Bathinda whereby an interim maintenance of Rs. 30,000/- per month has been granted to respondent No.1-wife and Rs. 15,000/- per month has been granted to respondent No.2-minor daughter.

2. Learned counsel appearing on behalf of the petitioner submitted that the impugned order vide which the interim maintenance has been granted is liable to be set aside particularly in view of the fact that he is also paying maintenance to the tune of Rs. 30,000/- per month in the proceedings under the D.V.Act to the respondents and otherwise also considering the financial position of the petitioner, he is not liable to pay the interim maintenance to the respondent-wife and the child. He submitted that the marriage between the petitioner and respondent No.1 was solemnized on



14.09.2015 and thereafter a daughter was born on 28.08.2016 who is respondent No.2 in the present case and who is in the care and custody of respondent No.1-wife. He submitted that thereafter a matrimonial discord took place and rather respondent No.1-wife was also earlier married and it was her second marriage. He submitted that as per the affidavit filed by the petitioner declaring his assets and liabilities, his income is Rs. 50,000/- to Rs.60,000/- per month, although he is well qualified and is M.D Radiologist and had been made liable to pay Rs. 30,000/- per month in the proceedings under the D.V.Act and therefore any amount in excess of the same could not be fixed qua the present petitioner because he is not able to pay the same and therefore, the impugned order is liable to be set aside.

3. I have heard the learned counsel for the petitioner.

4. The marriage between the petitioner and respondent No.1-wife is not in dispute and it is also not in dispute that respondent No.2 is a daughter born out of the wedlock and is about 6 years of age. The petitioner is a well qualified doctor and he is M.D Radiologist and he earlier worked with Mayo Health Care Center, Mohali. In view of the judgment of Hon'ble Supreme Court in ***Rajnesh versus Neha and another, (2021) 2 SCC 324***, separate affidavits declaring the assets and liabilities were filed by the respective parties for the purpose of considering the grant of interim maintenance. A perusal of the impugned order would show that as per the affidavit filed by respondent No.1-wife, she has disclosed her expenses to be Rs. 35,000/- per month and Rs. 8500/- per month is for the education of the minor daughter who is residing with her besides school van expenses of Rs. 1500/- per month. As per her affidavit, respondent No1-wife has disclosed



that her monthly income is Nil and therefore, she is having no source of income. She has further stated in the affidavit that now her daughter has been admitted in a school at Panchkula and she has deposited an amount of Rs. 45,000/- at the time of her admission. A perusal of the impugned order would further show that another litigation under Section 12 of the D.V Act is also pending between the parties in which an amount of Rs. 10,000/- per month has been ordered to be paid to the minor daughter and another sum of Rs.5,000/- per month for alternative residential accommodation for respondent No.1-wife and the minor daughter. Apart from the above, even a petition under Section 13 of the Hindu Marriage Act is also pending in which pendente lite maintenance to the tune of Rs. 60,000/- per month was granted to respondent No.1-wife and the minor daughter but the aforesaid order was assailed by way of filing FAO No.1014 of 2022 before this Court and vide order dated 21.03.2022, this Court had stayed the payment beyond Rs. 30,000/-per month. As per respondent No.1-wife, the petitioner is earning an amount of Rs. 7,00,000/- per month from Star Imaging Centre, Bhatti Road, Bathinda being its proprietor.

5. With regard to the financial capacity of the petitioner, the learned Judge, Family Court has also referred to various entries in his savings bank account in para No.4 of the order which runs into lacs of rupees. Although respondent No.1-wife is stated to be also educated lady holding a degree of MBA and was stated to be earlier working in an Institute in Delhi but as per her affidavit, her income is NIL because she was not earning anything at all. As per the affidavit of the petitioner-husband, he was only an employee of the aforesaid Star Imaging Centre and was getting a



salary of Rs. 50,000/- per month. It was the case of the respondent No.1-wife that the petitioner is rather a proprietor of the aforesaid Star Imaging Centre and is earning Rs. 7,00,000/- per month. In this regard, the petitioner filed an additional affidavit before the learned Judge, Family Court wherein he stated that during the pendency of the present case, he has been expelled from the position of partner in the aforesaid partnership firm. He has otherwise conceded that his income is Rs 50,000/- to Rs. 60,000/- per month. The learned Family Court therefore on the basis of the facts and circumstances thought it fit to grant Rs. 30,000/- per month as an interim maintenance for respondent No.1-wife and Rs. 15,000/- per month for respondent No.2-minor daughter of the age of 6 years. In pursuance of the judgment of Hon'ble Supreme Court in ***Rajnish' case (Supra)***, it was also so ordered by the learned Judge, Family Court that maintenance paid to respondent No.1-wife and the minor daughter in any other proceedings between the parties shall stand adjusted. It was the argument of the learned counsel for the petitioner that once the petitioner is already paying an amount of Rs. 30,000/- per month as per the order passed by this Court in FAO No.1014 of 2022 as aforesaid, no more amount can be paid to respondent-wife, whereas a perusal of the operative part of the impugned order would show that in view of the aforesaid judgment of Hon'ble Supreme Court, it was so ordered that any amount of maintenance paid in any other proceedings between the parties shall stand adjusted and therefore, such an argument raised by the learned counsel for the petitioner is misconceived. Once an adjustment has already been ordered, then no such plea can be taken that the aforesaid amount cannot be paid by the petitioner.



6. Even otherwise also the present is only a revision petition filed by the petitioner and the scope of the revision petition is very limited and additionally by way of the impugned order only an interim maintenance has been granted and the main petition under Section 125 of the Code of Criminal Procedure is yet to be decided on the basis of adducing evidence by the parties. It was the case of the respondent-wife that the petitioner being highly qualified and allegedly proprietor of Star Imaging Centre and he himself being M.D Radiologist is earning Rs.7,00,000/- per month, whereas it was the case of the petitioner that he has been expelled from the partnership during the pendency of the present case and therefore, he is earning Rs. 50,000/- to Rs. 60,000/- per month. These aspects of income etc. can be ascertained at the time of adducing of further evidence at the time of final adjudication of petition under Section 125 of the Code of Criminal Procedure, whereas the petitioner has challenged the order by which only interim maintenance has been granted and that too after adjusting the maintenance if any paid in any other proceedings between the parties. Therefore no illegality or perversity can be found in the impugned order passed by the learned Principal Judge, Family Court, Bathinda

7. Consequently, the present revision petition is dismissed with Rs. 10,000/- as costs. The petitioner is hereby directed to deposit the aforesaid costs before the Court of learned learned Principal Judge, Family Court, Bathinda, within a period of three months from today. On his depositing the aforesaid costs, the learned learned Principal Judge, Family Court, Bathinda shall give the aforesaid amount to the minor child by way of any suitable fixed deposit through her mother, or by depositing the



amount in the name of girl child in any suitable Government Scheme such like Sukanya Samriddhi Yojna etc. or whichever method is most beneficial and suitable for a girl child as per wisdom of the learned Principal Judge, Family Court, Bathinda.

8. The learned Principal Judge, Family Court, Bathinda shall also ensure that the aforesaid costs are deposited by the petitioner within the aforesaid stipulated period and in case the same is not done, then the learned learned Principal Judge, Family Court, Bathinda shall recover the same from the petitioner in accordance with law. In case the aforesaid amount of costs is still not deposited by the petitioner then learned Principal Judge, Family Court, Bathinda shall send a report to this Court and on receipt of the same, the Registry of this Court shall list this case before this Court.

9. A copy of this order be sent to the learned Principal Judge, Family Court, Bathinda.

24.04.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No