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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-1419-2024 (O&M)
Date of Decision: 30.04.2025

Kamal Verma

....Petitioner(s)

Versus

Promila

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

JASGURPREET SINGH PURI, J.

1. The present revision petition has been filed challenging the impugned order dated 09.08.2024 passed by the learned District Judge, Family Court, Rohtak vide which an interim maintenance of Rs. 25,000/- per month has been granted to the respondent-wife.

2. Learned counsel appearing on behalf of the petitioner submitted that the impugned order passed by the learned District Judge, Family Court, Rohtak is liable to be set aside in view of the fact that the learned Judge, Family Court has ignored the documentary evidence produced by the petitioner and the petitioner is also supporting his parents and getting medical treatment done who are patients of diseases of diabetes, blood pressure and heart and they depend on the petitioner and apart from the above, the petitioner is also paying huge EMIs of Rs. 52,865/- per month whereas his salary is only Rs. 67,400/- per month and therefore, the aforesaid amount of Rs.25,000/- per month cannot be paid by the petitioner



to the respondent-wife as an interim maintenance. He also submitted that even otherwise also, the interim maintenance can only be granted to the extent of 25% of the husband's net salary and on this ground, the impugned order is liable to be set aside. He further submitted that the respondent-wife left the matrimonial home on her own sweet will and therefore on this ground, the respondent-wife is not entitled for the grant of interim maintenance.

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

4. Learned Judge, Family Court on the basis of the affidavits of both the parties declaring assets and liabilities in pursuance of the judgment of Hon'ble Supreme in *Rajnesh versus Neha and another, (2021) 2 SCC 324* awarded an interim maintenance of Rs. 25,000/- per month to the respondent-wife. The marriage between the parties was solemnized on 16.02.2021 at Rohtak. Various allegations have been levelled by the parties against each other. It was the case of the petitioner-husband that the respondent-wife has left the matrimonial house on her own sweet will and therefore, she cannot claim interim maintenance, whereas counter allegations have been levelled by the respondent-wife against the petitioner-husband.

5. However, by way of the impugned order, the learned Judge, Family Court was only to consider the grant or non-grant of interim maintenance to the respondent-wife based upon the income affidavits filed by both the parties. In the affidavit filed by the respondent-wife, she has so deposed that she is 12th pass and is a house wife and her monthly expenditure is about Rs. 40,000/- and is living with her mother. An amount of Rs.40,000/- she has already spent on the litigation. She has also so stated



in her affidavit that the petitioner-husband is B.Sc. and I.T and is serving as Executive Project Head in Mobile Com. Technologies (India) Private Ltd, Gurugram and is also running a company by the name of Assat Group and provides projects to other companies on package of Rs. 25,00,000/- per annum and he earns Rs.15,00,000/- from his own company and owns car, motorcycle and huge bank balance of more than Rs. 25,00,000/-. Apart from the above, the respondent-wife has also stated in the affidavit that her entire *Istridhan* and jewelry already in the possession of the petitioner-husband and his family members.

6. The petitioner-husband in his affidavit deposed that he is B.Sc. in Computer Science and his expenditure is more than Rs 30,000/- per month and his parents are also dependent upon him. In his affidavit, he also stated that he is working as a Web Developer in Mobile Ecomn Technologies India Private Ltd. and his salary is Rs. 67,400/- per month. He has taken five loans and he is paying five installments which have been so stated by him which is totally an amount of Rs. 52,865/- per month. Learned Judge, Family Court observed that though the petitioner-husband has not placed his salary statement on the record but he has placed on record his bank account statements wherein various credit entries have been made.

7. It was also observed by the learned Judge, Family Court that there was no material on record to substantiate the fact that the respondent-wife was earning any income. The petitioner-husband has already admitted his salary to be Rs. 67,400/- per month and his credit entries are also more than Rs. 1,00,000/- per month and therefore, considering the aforesaid facts and circumstances where the respondent-wife was stated to be not having any source of income and the petitioner-husband having a large source of



income, an amount of Rs. 25,000/- per month has been fixed as an interim maintenance alongwith litigation expenses of Rs. 33,000/-. The argument which was raised by the learned counsel for the petitioner that he has to also maintain his parents and repay the EMIs, cannot become a ground for denial of interim maintenance to the respondent-wife. Another argument which was raised by the learned counsel for the petitioner that the interim maintenance only to the maximum extent of 25% can be fixed is also not sustainable because there is no straightjacket formula with regard to the same and it all depends upon the facts and circumstances of each and every case. This Court is of the considered view that there is no perversity or illegality in the order passed by the learned Principal Judge, Family Court, Rohtak.

8. Consequently, the present revision petition is hereby dismissed with Rs.10,000/- (Rupees Ten Thousand) as costs. The petitioner is directed to deposit the aforesaid costs before the Court of learned Principal Judge, Family Court, Rohtak, within a period of three months from today. On his depositing the aforesaid costs, the learned Principal Judge, Family Court, Rohtak shall transmit the same to the respondent-wife forthwith by any suitable mode. The learned Principal Judge, Family Court, Rohtak shall ensure that the aforesaid costs are deposited by the petitioner within the aforesaid stipulated period and in default of the same, appropriate measures be taken by the learned Principal Judge, Family Court, Rohtak for recovery of the aforesaid amount 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, Rohtak 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, Rohtak.

30.04.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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