

**CRR(F)-1542-2024****-1-**

108

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***********CRR(F)-1542-2024
Date of Decision: 23.01.2025**

Naresh Kumar

..... Petitioner

Versus

Neetu

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. D.S. Matya, Advocate for the petitioner.

**********JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 438 read with Section 442 of the BNSS challenging the order dated 21.10.2024 passed by the learned Additional Principal Judge, Family Court, Faridabad by which the application filed by the respondent/wife for grant of interim maintenance has been decided and an amount of Rs.5,000/- per month has been fixed in this regard.

2. Learned counsel for the petitioner/husband submitted that the aforesaid amount of interim maintenance was on a higher side and rather no such interim maintenance could have been granted to the respondent because the petitioner is having income of Rs.8,000/- to Rs.9,000/- per month as he is working as Safai Karmchari (Group-D employee) in AIIMS Hospital, Delhi and learned trial Court while considering the grant of interim maintenance has observed that the respondent/wife is not earning anything whereas in her affidavit, she has so stated that she is earning Rs.8,000/- per month. He further submitted that considering the aforesaid facts and circumstances, since both the petitioner and respondent are earning the same

**CRR(F)-1542-2024****-2-**

amount, the interim maintenance could not have been granted.

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

4. The challenge in the present petition is only with regard to grant of interim maintenance to the respondent/wife. A perusal of the impugned order would show that the factum of the marriage between the parties was admitted and there is no dispute with regard to the same. It was the case of the petitioner before the learned Additional Principal Judge that his income is only Rs.8,000/- to Rs.9,000/- per month whereas the case of the respondent/wife was that he is earning about Rs.20,000/- per month being a Safai Karmchari in the AIIMS Hospital, Delhi.

5. Learned Additional Principal Judge, Family Court, Faridabad came to the conclusion for the purpose of grant of interim maintenance that the fact that the income of the petitioner as so stated by him is Rs.8,000/- to Rs.9,000/- per month cannot be considered to be true income because even as per the minimum wages for Group-D employees fixed by the concerned Deputy Commissioner is approximately Rs.15,000/- per month and therefore, it has to be presumed that he earns Rs.14,000/- to Rs.15,000/- per month because he is working as a Safai Karmchari in the AIIMS Hospital, Delhi. Therefore, an amount of Rs.5,000/- per month has been fixed for the respondent/wife which is almost one-third of his total income. So far as the argument raised by the learned counsel for the petitioner that as per the impugned order, it was observed that the respondent/wife was not earning anything whereas in affidavit, it is so stated that she is earning Rs.8,000/- per month is concerned, this Court is of the considered view that even if assumingly, the respondent/wife is earning an amount of Rs.8,000/- per month still she cannot be denied interim maintenance. Learned Additional

**CRR(F)-1542-2024****-3-**

Principal Judge, Family Court has made reference to the law laid down by Hon'ble Supreme Court in "*Anju Garg Vs. Deepak Kumar Garg*", 2022 *SCC Online SC 1314*, in this regard.

6. After hearing the learned counsel for the petitioner, this Court is of the considered view that the impugned order is only for grant of interim maintenance and only Rs.5,000/- per month has been granted to the respondent/wife. This Court does not find any illegality and perversity in the order passed by learned Family Court. Consequently, finding no merit in the present petition, the same is hereby dismissed.

23.01.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |