

(2013) 07 P&H CK 0461

High Court Of Punjab And Haryana At Chandigarh

Case No: CR No. 5067 of 2012

Amarjeet Singh

APPELLANT

Vs

Ramandeep Kaur and
Another

RESPONDENT

Date of Decision: July 1, 2013

Acts Referred:

- Constitution of India, 1950 - Article 227

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Advocate: Naveen Sharma, for the Appellant; S.S. Gill, for the Respondent

Final Decision: Disposed Off

Judgement

L.N. Mittal , J.

In this revision petition filed by defendant Amarjeet Singh under Article 227 of the Constitution of India, challenge is to order dated 28.07.2012 Annexure P-4 passed by the trial Court there by disposing of application Annexure P-2 moved by respondents/plaintiffs Ramandeep Kaur and Navneet Kaur for interim maintenance. Admittedly respondents are wife and minor daughter respectively of the petitioner. Respondents have filed suit claiming maintenance and arrears of maintenance. During pendency of the suit, plaintiffs claimed interim maintenance by moving application Annexure P-2 alleging that they have no source of income whereas the defendant-petitioner has income of about Rs. 32000/- per month having agricultural land measuring about 5 acres and also selling milk and producing vegetables.

2. Defendant-petitioner in his reply Annexure P-3 while admitting the relationship between the parties, denied that he was having income of about Rs. 32,000/- per month. He also pleaded liability of two unmarried sisters and three married sisters, besides ailing old mother.

3. Learned trial Court vide impugned order Annexure P-4 directed the defendant-petitioner to pay Rs. 3500/- per month to plaintiff No. 1 and Rs. 1500/- per month to plaintiff No. 2 as interim maintenance from the date of filing of the application. Feeling aggrieved, defendant has filed this revision petition to assail the said order.

4. I have heard learned counsel for the parties and perused the case file.

5. Counsel for the petitioner contended that the petitioner has to bear expenses of social obligations of his four married sisters besides maintaining his one unmarried sister and old mother. It was also argued that petitioner has to pay installments of loan raised by him from the bank. It was thus submitted that the amount of interim maintenance awarded by the trial Court is excessive.

6. On the other hand, counsel for the respondents/plaintiffs justified the order of interim maintenance passed by the trial Court stating that the petitioner has about 5 acres land in which he grows three crops in a year and he also has income by sale of milk.

7. I have carefully considered the rival contentions. According to details of land owned by the defendant-petitioner, as mentioned in plaint Annexure P-1, the defendant has about 34 kanals 10 marlas land i.e. a little over four and quarter acres land. There is nothing on record to depict that the defendant is growing three crops in a year in the said land or what is his income from the said land. There is also nothing on record to depict that the defendant has income by sale of milk. On the other hand, there is also nothing on record to depict that the defendant has raised any loan from the bank and has to pay installments of the loan. In fact, in reply Annexure P-3, defendant has not even taken any plea that he has taken loan from any bank. Keeping in view the area of the land admittedly owned by the defendant-petitioner as mentioned in the plaint and all other circumstances of the case, I am of the considered opinion that the interim maintenance awarded by the trial Court is a little excessive and requires some reduction. In arriving at this conclusion, probable income from the land owned by the defendant has been taken into consideration. Keeping in view all the circumstances, in modification of impugned order passed by the trial Court, the defendant-petitioner is directed to pay interim maintenance of Rs. 3000/-per month to plaintiff No. 1 and Rs. 1250/- per month to plaintiff No. 2 from the date of filing of the application Annexure P-2 in the trial court. The revision petition stands disposed of accordingly.