

(2013) 09 P&H CK 0406

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 4304 of 2012 (O and M)

Inderjeet Singh Javanda

APPELLANT

Vs

Charanjeet Kaur

RESPONDENT

Date of Decision: Sept. 2, 2013

Acts Referred:

- Constitution of India, 1950 - Article 227
- Hindu Marriage Act, 1955 - Section 24

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

Bench: Single Bench

Advocate: Rahul Vats, for the Appellant; Karan Bhardwaj, for the Respondent

Judgement

L.N. Mittal, J.

CM No. 17788. CII of 2013

1. The application is allowed and Annexure P/8 is taken on record subject to all just exceptions.

CR No. 4304 of 2012

Husband Inderjeet Singh Javanda has filed this petition under Article 227 of the Constitution of India assailing order dated 12.5.2012 passed by learned Additional District Judge, Patiala thereby disposing of application Annexure P/1 filed by respondent-wife Charanjeet Kaur u/s 24 of the Hindu Marriage Act, 1955 seeking maintenance pendente lite and litigation expenses and thereby directing the petitioner-husband to pay Rs. 7000/- per month as maintenance pendente lite to the respondent wife, besides litigation expenses of Rs. 5000/-.

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

3. Counsel for respondent-wife, on instructions from the respondent, stated to be present personally in the Court, admitted that the wife is employed in a Marketing

Research Firm and her present gross salary is Rs. 32,350/- per month as reflected in tax statement Annexure P/8.

4. Counsel for the petitioner has also admitted that salary of the petitioner-husband is Rs. 50,000/- per month (including house rent allowance) as also mentioned in impugned order of the trial court. Accordingly, counsel for the petitioner contended that since respondent-wife is herself earning sufficient amount, she does not deserve any maintenance pendente lite from the petitioner-husband. However, counsel for respondent-wife pointed out that the wife is suffering from HIV and has also attracted tuberculosis due to fall in immunity and therefore, she cannot work on her job continuously and has to leave it intermittently when her blood count falls below minimum required level. Reference in this regard was made to tax statement Annexure P/3 depicting that she did not work since June, 2008 till September, 2008 (both months inclusive). Similarly, according to tax statement Annexure P/4, the wife did not work since March, 2009 till June, 2009. According to tax statement Annexure P/5, she did not work in March, April and November, 2010 and March, 2011. According to tax statement Annexure P/6, the wife could not work after October, 2011 and then worked in April 2012 according to Annexure P/8 tax statement. The wife has to incur expenses on her treatment also.

5. Counsel for the petitioner admitted that the respondent wife is suffering from HIV.

6. Keeping in view all the circumstances pointed out by counsel for the respondent, I am of the considered opinion that the amount of Rs. 7000/- per month only awarded by the trial court as maintenance pendente lite does not require any interference, modification or reduction in exercise of power of superintendence under Article 227 of the Constitution of India because the impugned order cannot be said to be suffering from any perversity, illegality or jurisdictional error. Accordingly, the revision petition is dismissed. Civil miscellaneous application, if any pending, is disposed of as having been rendered infructuous.