

Court No. - 39

Case :- FIRST APPEAL No. - 1322 of 2023

Appellant :- Sandeep Kumar

Respondent :- Smt Manjali

Counsel for Appellant :- Ajit Kumar

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard Sri Ajit Kumar, learned counsel for the appellant and perused the record.

2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984, arising from the order dated 06.10.2023 passed by the Additional Principal Judge, Family Court, Court No. 1, Bulandshahr, whereby the learned court below has provided for interim maintenance @ Rs. 3,500/- per month to the respondent, under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'Act'), pending proceedings in Matrimonial Case No. 1474 of 2020 (Sandeep Kumar Vs. Smt. Manjali) instituted by the appellant under Section 11 of the Act. Also, the learned court below has awarded Rs. 5,000/- towards one time legal expense.

3. Having heard learned counsel for the appellant and having perused the record, we find no good ground to interfere in exercise of our appellate jurisdiction. The occurrence of marriage is not disputed. The appellant has set up a case that he was under age. That claim is still pending. In such circumstances, the parties are living separately.

4. In the context of the above, it is well recognised in law, certain minimum amounts have to be provided to an estranged spouse especially a home maker. Insofar as the appellant is an able bodied citizen, he is required to bear that liability. Therefore, the amount of Rs. 3,500/- per month awarded by the learned court below that too from the date of the order is a bare

minimum amount to preserve the life and dignity of the respondent with minimum dignity. Similarly, Rs. 5,000/- awarded towards one time legal expense is neither excessive nor arbitrary. It is wholly modest. The appellant being an able bodied citizen, it is expected, he would abide by the law and comply with the impugned order without any further delay.

5. In view of the above, present appeal lacks merit and is accordingly **dismissed**.

Order Date :- 7.12.2023

Abhilash