

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1635 of 2015
Date of Decision: December 14, 2015

Naresh

...Petitioner

Versus

Smt.Rajni

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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

Mr.Sushil Jain, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

Petitioner-husband is aggrieved of the order dated 26.11.2014, whereby the maintenance pendente lite in an application filed under Section 24 of the Hindu Marriage Act from the date of the application, has been granted.

Mr.Kamal Singh, learned counsel appearing on behalf of the petitioner-husband submits that the petitioner-husband is not working, whereas the respondent-wife is working as Assistant Professor and earning ₹70,000/- per month and, therefore, she can easily take care of the education and well being of the minor daughter. Provisions of Section 24 of the Act do not apply to the child. The same apply only to the spouses.

Mr.Sushil Saini, learned counsel appearing on behalf of the respondent-wife submits that the respondent-wife is working as an Assistant

Professor and drawing salary of ₹70,000/- per month, but it is the responsibility of the petitioner-husband to take care of the minor child.

I have heard the learned counsel for the parties and appraised the paper book.

Section 24 of the Hindu Marriage Act reads thus:-

“24 Maintenance pendente lite and expenses of proceedings. Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable:

[Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.]”

On plain and simple reading of Section 24 of the Act, the provisions apply only to the spouses and cannot be invoked for claiming maintenance for the minor child.

Since the respondent-wife is working as Assistant Professor and drawing salary of ₹70,000/- per month, she can very well take care of the minor child, vis-a-vis the education and upbringing. Accordingly, the impugned order granting maintenance pendente lite to the tune of ₹5,000/- to the minor child is hereby set-aside.

The respondent-wife shall be entitled to seek the maintenance by invoking the provisions of law as applicable.

The revision petition stands allowed.

December 14, 2015
ramesh

(AMIT RAWAL)
JUDGE