

CR No.1457 of 2014

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No.1457 of 2014
Date of decision:12.02.2015**

Vidhu Chaudhary

...Petitioner

Versus

Hemant Chaudhary

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Puneet Jindal, Senior Advocate, with
Ms. Namarta Shergil, Advocate, for the petitioner.

Mr. Saurabh Bajaj, Advocate,
for the respondent.

Rakesh Kumar Jain, J.

The petitioner-wife is aggrieved against the order dated 10.12.2013, granting maintenance *pendente lite* to her @ ₹7,500/- per month from the date of application along with litigation expenses to the tune of ₹2,500/- while disposing of an application filed by her under Section 24 of the Hindu Marriage Act, 1955 (here-in-after referred to as the “Act”) in a petition filed under Section 13 of the Act by the respondent for dissolution of marriage by way of a decree of divorce.

Counsel for the petitioner has argued that because of lack of compatibility, the parties to the lis are living separately. The petitioner, who was earlier working as a Senior Sales Manager with M/s GNA AXLES Ltd., had to leave her job to live with the respondent-husband at Mohali and is

CR No.1457 of 2014

[2]

out of job at present. The respondent is getting net salary of ₹30,152/- but the learned Court below has awarded the maintenance *pendente lite* only @ ₹7,500/- per month though they have no child out of the said wedlock and the respondent himself has alleged that his widowed mother has already disinherited him, therefore, the Court below should have awarded at least ₹15,000/- towards maintenance *pendente lite* to the petitioner.

On the other hand, counsel for the respondent has submitted that he is getting only ₹30,152/- as monthly salary and has to maintain his mother, therefore, the amount ₹7,500/- per month is sufficient and no further enhancement may be made towards maintenance *pendente lite*.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that there are three persons depending upon the salary of the respondent. The mother of the respondent is living with him, therefore, it would be just and expedient to award a sum of ₹10,000/- per month (being 1/3rd of the salary of the respondent) instead of ₹7,500/- per month towards the maintenance *pendente lite*.

Accordingly, the present revision petition is allowed and the maintenance *pendente lite* awarded by the learned Court below to the petitioner @ ₹7,500/- per month is enhanced to ₹10,000/- per month from the date of application. However, no enhancement is ordered in respect of the litigation expenses.

February 12, 2015
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(Rakesh Kumar Jain)
Judge