

CR-2019-2015 (O&M)

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

**CR-2019-2015 (O&M).
Decided on: March 23, 2015.**

Hardev Singh

..... Petitioner(s)

Versus

Mandeep Kaur and another

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.B.S.Jaswal, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

Order under Section 24 of the Hindu Marriage Act, passed in favour of respondent-wife granting a sum of Rs.5,000/- per month as maintenance pendent lite has been questioned, inter alia, on the ground that the respondent-wife is capable of earning as she is an M.Phil and was employed at the time when divorce petition had been filed.

I have heard the learned counsel for the petitioner and gone through the circumstances of the case. Capability of wife to earn money is not sufficient enough to defeat her rights under Section 24 of the Hindu Marriage Act, to claim maintenance pendente lite. The said fact if admitted may entitle a relief to the other spouse only to the extent that the quantum of interim maintenance would be reduced depending upon the circumstances of each case.

The respondent has been granted only a sum of Rs.5,000/- per

CR-2019-2015 (O&M)

month as maintenance pendente lite during the pendency of the divorce petition. The said amount cannot, in any case, be said to be excessive taking into consideration the price index even if the respondent is capable of earning on account of her educational qualifications.

The petition is dismissed. It is expected that the trial Court will expeditiously conclude the proceedings.

March 23, 2015.
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(M.M.S. BEDI)
JUDGE