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

CR No.2128 of 2015

Date of decision: March 26, 2015

Ajay Singh

.....Petitioner

Versus

Mehak @ Silki

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 10.02.2015 (Annexure P-1), whereby application moved by the respondent under Section 24 of the Hindu Marriage, Act, 1955 ('Act' for short) for maintenance pendente-lite and litigation expenses in a divorce petition filed by the petitioner, was allowed.

Learned counsel for the petitioner has submitted that the trial Court has erred in granting maintenance to the tune of ₹6,000/- to respondent No.1 and to the tune of ₹4,000/- to the minor child as there was no documentary evidence qua the income of the petitioner. Infact, petitioner had no capacity to pay such a huge amount.

Petitioner has filed a petition under Section 13 of the Act seeking a decree of divorce. During the pendency of the petition, respondent moved an application under Section

24 of the Act.

Trial Court while allowing the said application has held as under:-

“7. So far as the quantum of the interim maintenance is concerned, in this regard, it has been contended on behalf of the respondent-husband that he has got no independent source of income, rather he is dependent upon his father who is running the business of Confectionery under the name & style of Rajindra Bakery and is getting pocket money from the father. The applicant-wife alleged that her husband is earning Rs.One Lakh per month. On the other hand, the respondent has not disclosed his definite income either on the lesser side. However, none of the parties have brought on record any documentary, proof as regards the exact income of respondent-husband as claimed by them in their respective pleadings. In these days of inflation, an able bodied man can fetch an amount of Rs.300/- to Rs.500/- per day even by doing labour work. The respondent is an able bodied person, having responsibility of his wife and minor child on his shoulders. Admittedly he belongs to business family. There is a photocopy of compromise agreement dated 03.07.2014 on record according to which petitioner Ajay Singh became ready to pay lump sum amount of Rs.5.5 lakh to the applicant towards her past, present and future maintenance, from which it is clear that he is in sound position and can easily pay maintenance. Thus, the minimum monthly income of the respondent is assessed at Rs.30,000/- per month. The applicant requires day to day expenses for herself as well as minor child.

The applicant-wife has engaged the counsel to contest the present divorce petition filed by respondent-husband. Admittedly the applicants are living at the mercy of parents of applicant no.1 without any independent source of income. The petitioner-wife and minor child has the legal right to be maintained by respondent-husband. In view of the aforesaid discussion of facts and circumstances of the case, the application filed by petitioner u/s.24 of Hindu Marriage Act is allowed. I fix monthly maintenance of Rs.6000/- for applicant no.1-wife and Rs.4000/- for applicant no.2-minor child, from the date of application. The litigation expenses are assessed Rs.7000/-.

The reasons given by the trial Court while fixing the amount of compensation are sound reasons. Petitioner is running a bakery with his father. The amount of compensation granted by the trial Court cannot be said to be on higher side in these days of high prices.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 26, 2015

m.singh