IN THE HIGH COURT OF PUNJAB AND HARYANA, AT CHANDIGARH

CR No. 2350 of 2014
Date of Decision: 28.07.2015

Bal Krishan

.....Petitioner

Vs.

Bimla Devi

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vivek Goyal, Advocate,
for the petitioner.

Mr. Anshuman Narula, Advocate,
for the respondent.

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SABINA, J.

Petitioner has filed this petition challenging the order dated 17.01.2014, whereby application moved by the respondent under Section 24 of the Hindu Marriage Act, 1955, was allowed.

Learned counsel for the petitioner has submitted that the petitioner is a retired Sweeper from the Border Security Force. Petitioner is drawing pension to the tune of ₹6,950/- per month. Petitioner is maintaining two children from his first marriage and one child from his marriage with the respondent. Petitioner is also looking after his ailing mother. In these circumstances, the amount of maintenance *pendente lite* granted by the trial Court was liable to be reduced. Learned counsel for the petitioner has further submitted that the petitioner is ready to pay ₹1,500/- per month to the

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respondent by way of interim maintenance.

Learned counsel for the respondent, on the other hand, has opposed the petition and has submitted that the amount of maintenance *pendente lite* granted by the trial Court to the respondent was liable to be upheld.

In the present case, the factum of marriage between the parties is not in dispute. Parties were blessed with a daughter out of their wedlock. Admittedly, the said child is presently residing with the petitioner. It has also transpired during the course of arguments that it is the second marriage of both the parties. Petitioner has got two children from his first marriage. Thus, the petitioner is maintaining three minor children. As per Annexure P-5, petitioner is getting ₹6,950/- per month by way of pension. The trial Court, vide the impugned order had allowed maintenance *pentente lite* to the respondent to the tune of ₹3,500/- per month. In these circumstances, the amount of maintenance *pendente lite* granted by the trial Court to the respondent is on the higher side. Keeping in view the amount of pension received by the petitioner and the fact that he is maintaining three minor children, the amount of maintenance *pendente lite* granted by the trial Court to the respondent is liable to be reduced.

In the facts and circumstances of the present case, it would be just and expedient to grant ₹1,500/- per month by way of maintenance *pendente lite* to the respondent. Accordingly, this petition is allowed and the impugned order dated 17.01.2014, whereby petitioner was directed to pay maintenance *pentende lite* to

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the respondent @ ₹3,500/- per month is modified to the extent that petitioner is liable to pay ₹1,500/- per month to the respondent by way of maintenance *pendente lite*. The litigation expenses granted to the respondent vide the impugned order are upheld.

(SABINA)
JUDGE

July 28, 2015
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