

CR-3019-2015 (O&M)

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

**CR-3019-2015 (O&M).
Decided on: July 17, 2015.**

Dheeru Jain

..... Petitioner(s)

Versus

Ritu Jain and another

..... Respondent(s)

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

**PRESENT Mr.Aditya Kumar Sharma, Advocate,
for the petitioner.**

**Mr.Surinder Pal Singh Tinna, Advocate,
for the respondent.**

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

This is a revision petition against the orders dated 27.10.2014 and dated 18.2.2015, Annexures P3 and P8 respectively passed by the District Judge, Panchkula, granting maintenance pendente lite @ Rs.20,000/- and enhanced maintenance @ Rs.25,000/- per month respectively under Section 24 of the Hindu Marriage Act, in a divorce petition filed by the respondent-husband. Besides litigation expenses of Rs.25,000/-.

A misc. application has been filed to place on record income tax returns, Annexure P10 and P11, for the Financial Year 2013-2014. The misc. application is allowed.

Counsel for the respondent- wife has submitted that the wife had earlier been working at Jammu but after marriage she

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had to leave the work but on account of matrimonial dispute, she had to reshift to Jammu under compelling circumstances and to earn livelihood had to rejoin the school.

Counsel for the petitioner submits that income of the wife is more than Rs.2,60,000/- per annum meaning thereby that she herself is earning around Rs.26,000/- per month.

So far as the petitioner is concerned, the lower Court has considered his income to be around Rs.75,000/- per month on the basis of the record produced which fact has been disputed by counsel for the petitioner claiming that he is getting a sum of Rs.60,000/- only and is staying at Gurgaon where he is also looking after his old father.

Taking into consideration the above situation, counsel for the petitioner submits that it is a case which warrants reconsideration regarding maintenance pendente lite awarded to the wife under Section 24 of the Hindu Marriage Act. He has also argued that a sum of Rs.5,000/- per month has been granted to the wife in proceedings under Section 125 Cr.P.C. by a Court at Jammu.

I have taken into consideration the contentions of the learned counsel for the petitioner as well as the counsel for the respondent and gone through the record which is available pertaining to the income of the petitioner which apparently is more than Rs.60,000/- per month and has been considered to be Rs.75,000/- per month on the basis of documents available.

So far as wife is concerned, it is apparent that under the compelling circumstances she being an educated lady has to take up the job of teaching in a school to avoid starvation. In such circumstances whether she should be denied maintenance pendente lite is required to be considered in the present petition.

It is the statutory liability of a husband to provide maintenance pendente lite depending upon earning capacity of the parties. In the present case, the petitioner is working as an Engineer in a Multinational Company, at Gurgaon. The wife is entitled to the same status and is required to be maintained to the status commensurate with the financial and social status of the husband who in the present case is an Engineer working for a Multinational Company. Only because wife is compelled to take up a job, she cannot be deprived of her rights under Section 24 of the Hindu Marriage Act.

The next question which is required to be considered is the quantum of the maintenance pendente lite awarded under Section 24 of the Hindu Marriage Act. The grant of maintenance pendente lite under Section 24 of the Hindu Marriage Act, is only an interim arrangement till final disposal of the matrimonial litigation. As per the provisions of Section 21-B-(2) of the Hindu Marriage Act, the matrimonial Court is required to conclude the litigation expeditiously within a period of six months from the date of service of notice. Taking into consideration the said statutory

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provisions provided for the expeditious disposal, I am of the considered opinion that a sum of Rs.25,000/- per month awarded to wife under Section 24 of the Hindu Marriage Act, is not an excessive amount especially when the sum of Rs.5,000/- ordered by the Court at Jammu, under the provisions of Section 125 Cr.P.C. is to be adjusted against this amount.

Counsel for the petitioner has submitted that wife has got resources to earn money. Merely because an educated wife has got other resources, it will not prejudice her right to claim the maintenance pendente lite where the husband has taken steps to get the marriage nullified by levelling serious allegations of adultery.

No ground is made out for interference in the impugned orders.

The petition is dismissed.

July 17, 2015.
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(M.M.S. BEDI)
JUDGE