

222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.3815 of 2015 (O&M)

Date of Decision: 28.11.2015

RAJ KUMAR

.....Petitioner

Vs

RAKHI

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. T.C. Dhanwal, Advocate
for the petitioner.

Mr. Sanjay Vij, Advocate
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition has been filed by Raj Kumar husband of Rakhi (respondent) against the order dated 15.04.2015 vide which maintenance *pendente lite* @ Rs.20,000/- per month from the date of filing of the application i.e. 03.04.2014 besides Rs.2200/- as litigation expenses has been awarded by the District Judge (Family Court) Gurgaon.

[2]. Marriage between the parties was solemnised on 06.12.2004. A daughter took birth from this wedlock on

23.10.2005, who is living with the respondent-wife.

[3]. Respondent-Wife moved an application for grant of maintenance *pendente lite* under Section 24 of Hindu Marriage Act in a petition for divorce under Section 13(1)(1A) and 13(1B) of Hindu Marriage Act, 1955 filed by the petitioner.

[4]. The respondent claimed that she has been thrown out of matrimonial house without any rhyme or reason and has been treated with cruelty by the petitioner-husband. Husband is liable to maintain the wife and minor child who is 10 years of age and needs proper care and finances for her education in good school. Petitioner-husband is employed with Honda Automobile. According to respondent-wife his earning is Rs.60,000/- per month. He is the only son of his parents. His father is a retired Central Government Gazetted officer. Daughter is studying in DAV Public School and it is very difficult for the respondent-wife to make both ends meet.

[5]. The petitioner-husband contested the claim of the respondent-wife by alleging that she is also serving as Teacher and is earning Rs.19,000/- per month. He relied upon the salary certificate issued by Honda Motorcycle & Scooter India Pvt. Ltd., thereby showing that total salary of the petitioner is Rs.45,972.42, out of which total deductions to the tune of Rs.6,818.50 are made as deductions and net carry home salary

of the petitioner is Rs.38,183/-.

[6]. Award of maintenance is in order to avoid destitution and vagrancy of wife. Wife has also right to live her life in consonance with the status of the husband, though she is not entitled to make profit out of it so as to live in luxury and impede any future re-conciliation.

[7]. At the stage of awarding maintenance in terms of Section 24 of the Hindu Marriage Act, some guess work is also required to be done in addition to the evidence brought on record by the parties. Evidently, the petitioner has come forward to say that his total earnings are Rs.45,972.42, however deductions to the tune of Rs.6,818.50 are the beneficial instances of the petitioner himself.

[8]. Respondent has nothing to do with the deductions, therefore, if the total earnings of the husband-petitioner is treated to be Rs.45,972.42, still there are some other channels of income like immovable property and other vocations of life in which monetary benefit may accrue to the petitioner. Even at this stage two lives are pitted against the part of emoluments which are being drawn by the husband-petitioner.

[9]. Keeping in view the rising price index of these days and the age of the minor daughter and her studying prospects in good school, amount of Rs.20,000/- towards maintenance

pendente lite and Rs.2200/- towards litigation expenses cannot be held to be on higher side. Even if it is admitted that wife is also earning something that *per se* does not entitle the petitioner-husband to deny the status of living to the wife as well as minor child by parting only Rs.20,000/- from his total emoluments.

[10]. In view of aforesaid, I do not find any ground to interfere in this revision petition and the same is accordingly dismissed.

November 28, 2015

Atik

**(RAJ MOHAN SINGH)
JUDGE**