

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R.No.6023 of 2015 (O&M)

Date of Decision: December 14, 2015

Seerat Sekhon & another

...Petitioners

Versus

Surnandan Singh Sekhon

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.H.S.Kathpal, Advocate,
for the petitioners.
Mr.G.S.Punia, Senior Advocate with
Mr.P.S.Punia, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

Civil Misc.No.26433-CII of 2015

Documents taken on record.

CM stands disposed of.

Civil Revision No.6023 of 2015

Petitioner-wife is aggrieved of the order dated 6.7.2015, whereby, while allowing the application under Section 24 of the Hindu Marriage Act 1955 (for short “the Act”), maintenance pendente lite to the tune of ₹15,000/- per month from the date of the application has been awarded.

Mr.H.S.Kathpal, learned counsel appearing on behalf of the petitioners submits that the respondent-husband is earning lot of money and the maintenance pendente lite granted is not as per the status of the parties.

No doubt, in a petition filed under Section 13-B of the Act, she suffered a

statement, but the fact remains that before the second motion could be made, she withdrew her first statement, which resulted into withdrawal of the said petition. It is in the petition filed under Section 13 of the Act by the respondent-husband, application for seeking maintenance pendente lite was filed, thus, the amount of maintenance pendente lite awarded is too meager.

Mr.G.S.Punia, learned Senior counsel assisted by Mr.P.S.Punia, Advocate, appearing on behalf of the respondent submits that the petitioner-wife in her first statement in a petition filed under Section 13-B of the Act stated that she would not claim any past, present and future maintenance as it has been settled out of the Court. Even her all dowry articles, including jewellery have been received by her. Copy of the statement dated 2.4.2014 has been handed over to the Court, thus, the amount of maintenance pendente lite awarded is just, fair and legal and does not need any further enhancement.

I have heard the learned counsel for the parties and appraised the paper book.

The statement suffered by the petitioner in proceedings under Section 13-B of the Act read thus:-

“Joint statement of Seerat Sekhon, aged about 28 years wife of Sh.Surnandan Singh Sekhon and daughter of late Sh.Jang Bahadur, resident of House No.100-H, Jarnaili Kothi, Karnal (Haryana), on SA

and

Surnandan Singh Sekhon, aged 33 years son of Sh.Harjit Singh Sekhon, resident of House No.B-XX-928, Gobind Nagar, Ferozepur Road, Ludhiana, on SA

We are Sikh by religion. Our marriage was solemnized on 17.02.2008 at Karnal (Haryana) as per Sikh

rites and ceremonies. We lived together, but soon we discovered that we are not made for each other. From the wedlock, one female child namely Suhani was born on 07.03.2009, who is living with petitioner No.1. The petitioner No.2 will not claim custody of the said minor female child. The petitioner No.1 has received all dowry articles including jewelery/istridhan. The petitioner No.1 will not claim any amount towards her past, present and future maintenance and that of the minor child from petitioner No.2 and had settled our claims out of the court. Now, no dispute of any kind left between us. On account of our contrasting nature, we could not live together. Hence, we have been living separately since February, 2013. We have failed to persuade ourselves to live as husband and wife. We shall be bound by the terms and conditions as enshrined in the petition. Hence, we have resolved to part ways and seek a decree of divorce by way of mutual consent. Our marriage may be dissolved by way of mutual consent and a decree of divorce may be granted.”

It has been brought to the notice of this Court that the divorce petition is slated for the evidence of the respondent-husband.

In my view, the maintenance pendente lite awarded to the tune of ₹15,000/- per month is legal and justified. The factum of the aforementioned statement has not been disclosed in the present petition. I am of the view that the petitioner-wife has already taken substantial amount of maintenance under Section 13-B of the Act, which though not culminated into final order. There is no need of enhancement of the maintenance pendente lite.

There is no merit in the revision petition. The same is accordingly dismissed.

December 14, 2015
ramesh

(AMIT RAWAL)
JUDGE