

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5934 of 2013
Date of decision: 24.08.2015

Manoj Kumar ... Petitioner
Vs.

Suman Verma ... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Rakesh Verma, Advocate
for the petitioner.

Mr. B.P.S.Gill, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the order dated 02.07.2013 (Annexure P-6), whereby, the application filed under Section 24 of the Hindu Marriage Act (hereinafter referred to as the Act), by the respondent-wife, in proceedings initiated under Section 13 of the Act, for claiming maintenance *pendente lite* and litigation expenses has been allowed.

Mr. Rakesh Verma, learned counsel appearing on behalf of the petitioner submits that in proceedings initiated under Section 13-B of the Act, respondent-wife in the first motion suffered a statement dated 07.08.2010, Annexure P-3 by stating that all the claims of dowry, past and future maintenance have been mutually

settled and nothing is due from each other. She further stated that all the maintenance amount, in lump sum, had been received and nothing was due against husband. Parties thereafter lived together and again the differences arose, which resulted into filing of the petition bearing case No.HMA.29 of 07.08.2010. It is in those aforesaid proceedings, application under Section 24 of the Act has been filed and had been allowed by the trial Court. He further submits that notice of motion was issued on condition of payment of ₹10,000/- as litigation expenses and the same has been deposited, vide receipt No.1514 dated 09.10.2013 .

Mr. B.P.S.Gill, learned counsel appearing on behalf of the respondent-wife submits that the statement was suffered in the year 2010 and the petition under Section 13 of the Act, has been filed after a gap of three years as respondent failed to pay maintenance, much less, litigation expenses. Wife cannot be left in lurch. Since the custody of the child, is also with the husband but yet, she requires maintenance pendente lite in order to sustain herself.

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

There is no doubt that vide statement dated 07.08.2010 Annexure P-3, wife, unequivocally, submitted that she had taken lump sum compensation/maintenance from the husband. Though the amount has not been specified but it appears substantial amount has been received by the wife in the proceedings under Section 13-B of

the Act in the year 2013, in my view that would be sufficient for her to sustain herself but the wife is entitled to litigation expenses, which in my view is too less. Mr. Verma, Advocate submits that ₹10,000/- as ordered by this Court has been deposited. He further submits that his client is not averse to the expeditious disposal of the divorce petition and would not delay the adjudication of the divorce petition and would not frustrate the conclusion of the petition.

In view of what has been observed above, the impugned order is not sustainable in the eyes of law as wife has already taken lump sum. However, the litigation expenses of ₹10,000/- is too less. The petitioner-husband is directed to pay another sum of ₹10,000/- as litigation expenses to the wife within a period of one month from the date of receipt of certified copy of this order, failing which, impugned order would come in operation and revision petition would be deemed to have been dismissed.

Accordingly, the revision petition is allowed.

(AMIT RAWAL)
JUDGE

August 24, 2015
savita