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

**CR No.6476 of 2015
Date of decision: 01.10.2015**

Nitish Kumar Arora

...... Petitioner

Versus

Neha Arora

...... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Liaqat Ali, Advocate for the petitioner.

<u>ARUN PALLI, J. (Oral)</u>

Vide order being assailed dated 10.08.2015, rendered by the Additional District Judge, Ludhiana that a sum of ₹5,000/- per month towards maintenance *pendente lite* and ₹5500/- towards litigation expenses has been awarded to the respondent-wife under Section 24 of the Hindu Marriage Act, 1955. The conclusion recorded in this regard as thus:-

“I have considered the submissions made by Ld. Counsel for the parties. The right conferred under Section 24 of the Hindu Marriage Act is in the nature of special right, arising on initiation and during the pendency of the proceedings by one or the other of the parties to the marriage, under the provisions of the Act. Although, number of serious allegations have been levelled by the petitioner against the respondent and in reciprocation, the respondent has also levelled certain allegations against the petitioner, however, it is well established principle of law that while dealing with an application under Section 24 of the Hindu Marriage Act, it would not be

permissible to refuse to grant relief on the ground that there are allegations of matrimonial offence. Therefore, the allegations and counter allegations levelled by both the parties on each other are concerned, the veracity and genuineness of the same can only be decided with the help of evidence which is yet to be adduced by both the parties. In the present case, relationship between the parties is admitted fact. There is no definite proof of income of petitioner-husband. Although, the petitioner has placed on record Income Tax return, showing income of the firm M/s Nitish collection. However, the respondent claimed that the said firm is owned and possessed by his father Om Parkash. Perusal of said returns also reveals that the said returns are being filed by Om Parkash, Prop of Nitish collection. So there is no definite proof of income of respondent. However, keeping in view the status of both the parties, it is a fit case where the applicant wife deserves the maintenance pendente lite @ Rs.5,000/- per month. Accordingly, I allow the present application and the respondent is directed to pay Rs.5000/- per month as maintenance pendente lite to the applicant from the date of application and the respondent shall also pay an amount Rs.5500/- as litigation expenses".

Concededly, the relationship between the parties is not disputed. Though, income tax return of a firm i.e. M/s Nitish Collection was brought on record, the said firm was owned and possessed by the father of the petitioner namely Om Parkash who happen to be the sole proprietor of the said firm. There was no definite proof of the income of the petitioner. However, in the totality of the facts and circumstances of the case as also the status of both the parties, learned Addl. District Judge in his discretion thought appropriate to award a sum of ₹5,000/- per month towards maintenance to the respondent/wife. Learned counsel for the petitioner could not point out as to how the conclusion that arrived at by the learned

Court below was either contrary to the position on record or suffered from any material illegality.

In the wake of the position as set out above, no interference is warranted in exercise of revisional jurisdiction. The petition being devoid of merit is accordingly, dismissed.

October 01, 2015 **(ARUN PALLI)**
Manoj Bhutani **JUDGE**