

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

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**Civil Revision No.8007 of 2015(O & M)
Date of Decision:15.12.2015**

Jasmeet Singhpetitioner

Versus

Praveen Kaurrespondent

Civil Revision No.8486 of 2015

Praveen Kaurpetitioner

Versus

Jasmeet Singhrespondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

Present: Mr.S.S.Sandhu, Advocate
for the petitioner in CR No.8007 of 2015

Mr.Karan Bhardwaj, Advocate
for the caveator-respondent in CR No.8007 of 2015
for the petitioner in CR No.8486 of 2015

ARUN PALLI, J.(ORAL):-

Vide order being assailed, dated 21.09.2015, rendered by District Judge, Ludhiana, respondent-wife has since been granted maintenance pendente lite, under Section 24 of the Hindu Marriage Act,1955, as also the litigation expenses. The conclusion recorded by the learned District Judge, reads as thus:

“In the light of the above discussion, this

application filed u/s 24 HMA is hereby allowed and the respondent is directed to pay maintenance pendente lite @ Rs.30,000/- per month from the date of application to the applicant. The applicant is also entitled to get litigation expenses worth Rs.15,000/- relating to the present litigation. The maintenance if any received by the applicant u/s 125 Cr.P.C. and the monthly family maintenance received by the applicant out of the salary of the respondent from Indian Navy is to be adjusted against maintenance pendente lite @ Rs.30,000/- p.m.”

Being aggrieved, both the parties are before this Court seeking revision of the said order. Therefore, this order shall dispose of both these revision petitions. Ex facie, the Court has awarded a sum of ₹30,000/- per month by way of maintenance, which is inclusive of ₹10,000/-, that has been granted to the respondent-wife in proceedings under Section 125 Cr.P.C. and another sum of ₹ 10,000/- that she is getting by way of family maintenance out of the salary of the petitioner-husband from Indian Navy. Nothing was brought on record, least any cogent or credible material to show that the respondent-wife has any independent source of income and is thus, well equipped to maintain herself. Needless to assert, petitioner being the husband of the respondent is under obligation to maintain her. Nothing could be pointed out by learned counsel for the husband as to how the conclusions arrived at by the trial Court were either contrary to the position on record or suffered from any material illegality. Likewise, the submission that has been advanced by

learned counsel for the wife; that since the learned District Judge has ordered that amount of maintenance that has been granted to the wife under Section 125 Cr.P.C. as also the amount she is getting from Indian Navy, be adjusted towards a sum of ₹ 30,000/-, the result would be that entire amount that she has already received from the aforesaid two sources, shall be first adjusted and only thereafter she would be entitled to draw the maintenance pendente lite, lacks conviction and cannot be countenanced. Apparently respondent-wife has been granted maintenance pendente lite i.e. ₹ 30,000/- from the date of the application i.e. 15.07.2015 and therefore, even the adjustment qua maintenance under Section 125 Cr.P.C. and family maintenance that she is drawing from Indian Navy, shall be effective from the said date i.e. 15.07.2015, and not from a period prior thereto.

That being so, no interference, in exercise of revisional jurisdiction under Article 227 of the Constitution of India, is warranted. The petitions being devoid of merit are accordingly dismissed.

15.12.2015
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(ARUN PALLI)
JUDGE