

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

(1)

**CR No.8289 of 2014
Decided on: May 19, 2015.**

Promila @ Chanchal

.... Petitioner

Versus

Naresh

....Respondent

(2)

**CR No.350 of 2015
Decided on: May 19, 2015.**

Naresh

.... Petitioner

Versus

Promila @ Chanchal

.... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Deepak Girotra, Advocate,
for the petitioner-wife.

Mr. N.K. Malhotra, Advocate,
for respondent-husband.

M.M.S. BEDI, J (ORAL)

This order will dispose of the aforesaid two petitions, bearing CR No.8289 of 2014 titled Promila @ Chanchal Vs. Naresh and CR No.350 of 2015 titled Naresh Vs. Promila @ Chanchal, both against the order dated 26.11.2014 passed by Additional District Judge, Rohtak, allowing the application under Section 24 of the Hindu Marriage Act filed by the wife, granting a sum of Rs.1500/- per month to the wife with litigation expenses of Rs.1000/- in a divorce petition brought by the husband.

The wife seeks enhancement of amount of maintenance pendente lite claiming that respondent-husband is earning Rs.20,000/- per month which was admitted by the respondent-husband. So far as the

husband is concerned, he has challenged the quantum of the amount of maintenance pendente lite fixed contending that it was second marriage and at present the wife is residing with one girl child born out of the wedlock.

Counsel for the respondent-husband has contended that it was second marriage of both the parties. He is maintaining a son born from the first marriage whereas a daughter born out of the wedlock is at present being maintained by the wife.

I have heard learned counsel for the parties and considered the facts and circumstances of the case. The husband has filed the petition for divorce. The wife has made an attempt to enforce her legal rights under Section 24 of the Hindu Marriage Act. Counsel for the respondent-husband has opposed the application for grant of interim maintenance on the ground that the wife is working but the detailed particular of the place of work of wife is not known to the husband.

Taking into consideration the totality of the circumstances, I am of the considered opinion that a sum of Rs.1,500/- per month as maintenance pendente lite is highly inadequate and would be mockery of the legal rights for interim maintenance to a wife whose husband is admittedly capable of earning a sum of Rs.20,000/- per month. The amount being so meager to enable any one to make both ends meet especially when a minor child is also to be supported. No doubt the husband may be having other liabilities but the said reason cannot be considered sufficient enough to deprive a wife of her right of maintenance.

Thus, the petition filed by the husband for reduction of the amount of compensation is dismissed. However, the revision petition filed by the wife for enhancement is allowed. It is ordered that the wife will be

entitled to interim maintenance of Rs.5,000/- per month w.e.f. date of order passed by the trial Court i.e. 26.11.2014. If any amount has already been paid, that amount will be deductible. The grant of litigation expenses of Rs. 1,000/- is also meager. It is enhanced to Rs.10,000/-. The order dated 26.11.2014 is modified to the aforesaid extent.

A direction is issued to the trial Court to make earnest endeavour for bringing about re-conciliation between the parties by referring the matter to Mediation at the District Courts.

(M.M.S. BEDI)
JUDGE

May 19, 2015
harsha