

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8466 of 2014

Date of Decision.29.04.2015

Shri Salil Arora

.....Petitioner

Versus

Mrs. Sonya Arora

.....Respondent

2. C.R. No.8214 of 2014

Shri Salil Arora

.....Petitioner

Versus

Mrs. Sonya Arora

.....Respondent

3. C.R. No.207 of 2015

Mrs. Sonya Arora

.....Petitioner

Versus

Mr. Salil Arora

.....Respondent

Present: Mr. M.L. Sarin, Senior Advocate with
Mr. Nitin Sarin, Advocate
Ms. Ankita Sambyal, Advocate and
Mr. Ritesh Aggarwal, Advocate
for the petitioner in C.R. No.8466 and 8214 of 2014 and
for the respondent in C.R. No.207 of 2015.

Mr. APS Sandhu, Advocate
for the petitioner in C.R. No.207 of 2015 and
for the respondent in C.R. Nos. C.R. No.8466 and 8214 of
2014.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. All the three revision petitions relate to provisions for

interim maintenance in matrimonial proceedings. The wife and the husband have respectively lodged claims for maintenance for one against the other under Section 24 of the Hindu Marriage Act before the Court below. The husband is having a maruti agency and he is an income tax assessee. His income between the year 2010-2011, 2012-2013 ranged between ₹ 5 lacs to ₹ 8 lacs and odd. The wife on her part is admittedly living alone with her mother. She has two sons. The elder son is being educated in England and the younger son is doing a graduate course in India. The elder son was born on 09.04.1992 and the younger son was born on 11.10.1993 which would show that both of them are well past the age of minority. The contention of the husband for justifying his own claim for maintenance against the wife is that she has come by inheritance a large estate from her father who was running a business in export of woolen garments and she is herself an income tax assessee and her assessment between the years 2010-2011 to 2012-2013, for the same years when the husband has filed the income tax returns, ranged between ₹ 11 lacs to ₹ 21 lacs and odd. The Court below has considered the fact that the husband is running a maruti agency and has allowed for maintenance @ ₹ 50,000/- per month and has also directed ₹ 50,000/- to be paid as litigation expenses. The husband's revision is against the grant of maintenance against him which he has filed in C.R. No.8214 of 2014 and the revision against the claim for maintenance against the wife is sought in C.R. No.8466 of 2014. The wife has come by means of revision seeking for further enhancement of maintenance in C.R. No.207 of 2015.

2. It is not denied before me that both the persons are income

tax assessee. Section 24 of the Hindu Marriage Act is a manner of providing maintenance in a summary manner to a party who has no independent income sufficient for her or his support and intended to ensure that at the litigation, both parties are at par. It is also to be ensured that a financial deprivation during the proceedings to a spouse does not come in the way of an even progress of trial and disadvantage a person against an affluent litigant who may be interested only in delaying the matter and taunting a spouse that has no resources. Section 24 of the Hindu Marriage Act does not really contemplate a situation of providing for a final matrimonial settlement between the spouses at the time of dissolution of marriage. The provisions under Section 27 of the Hindu Marriage Act which allows for disposal of property shall be in respect of any property that is presented at or about the time of marriage which will belong jointly to both the husband and wife. This could be appropriately considered at the time when the matrimonial proceedings come to an end. Similarly Section 25 of the Hindu Marriage Act that provides for permanent alimony and maintenance shall be considered by the Court at the time when the proceedings conclude and parties are made to separate through the Court's order. The Court then could call parties to pass appropriate evidence to find out the means of the respective parties and provide for permanent alimony. There is still at the legislative anvil an effort to provide for a distribution of assets by way of matrimonial settlement by amendment to the Hindu Marriage Act and the Bill is still in Parliament, contemplates pooling of resources of both spouses and make way for distribution which is appropriate and just.

3. Section 24 of the Hindu Marriage Act could be invoked in all situations where there is a real need for some person to be supported. Here is a case of woman who has adequate resources and on her own showing, she has put the son for education in UK. The contention before me by the counsel appearing on behalf of the wife is that she has spent ₹ 52 lacs and more for her son's education and she has become penniless by such expenditure. She, therefore, requires support from her husband. I would take this to be an irresponsible plea that a person has denuded herself of all resources as though it is mindless spree of expenses without knowing her own resources position. If education is thought to be essential and education abroad was perceived to be important for the boy, keeping in with their own status, one does not become impecunious in the process. I will not find any need to address the requirement of an adult son in maintenance proceedings. The point now for consideration is only whether along with the wife, there is any son or unmarried daughter to whom the provisions of the Hindu Maintenance and Adoption Act will be applicable and for whom the provision could be made. If both the boys are majors and the wife has substantial assets inherited by her and also an income tax assessee, there is simply no justification for the wife to ask for maintenance against the husband under Section 24 of the Hindu Marriage Act. The same way, if the husband is carrying on an agency in motor cars of a popular manufacturing company, there is no reason for him to claim maintenance against the wife. In proceedings under Section 24 of the Hindu Marriage Act we do not at all times see who is more opulent and how there shall be an equal distribution of their income but Section 24

will be invoked only in a situation where a person does not have the means to support himself or herself. Neither party can plead for such indigency. It is a fanciful litigation brought by the husband and wife in so far as the claim to maintenance is concerned. If they have problems to be sorted out for the relief of divorce or otherwise that would be appropriately considered on evidence but it is a needless waste of time for parties to detain the Courts for consideration of purely fanciful claims of one against the other.

4. Learned Senior Counsel appearing on behalf of the husband files before me copies taken from the internet where the wife has posted her own financial status in a popular internet social network 'linked-in' where she sets out her status as proprietor of firm that exports woolen garments and materials and describes the firm's turn over to be ₹ 5 to ₹ 25 crores approximately employing 20 to 25 persons. She describes herself to be a sole proprietor of the manufacturing unit and export business. To plead for indigency by such person before a Court is travesty of facts and I cannot feel constrained to be detained on adjudication of such fanciful claims. The petition filed by the petition in C.R. No.8466 of 2014 is dismissed. The petition for interim maintenance by the wife is equally untenable and provisions for maintenance granted by the Court below would require to be dismissed and the order passed is accordingly set aside. The civil Revision in C.R. No.8214 of 2014 filed by the husband is allowed and the petitioner for enhancement of maintenance filed by the wife in C.R. No.207 of 2015 is dismissed.

5. The parties are spared of costs only because they share the ultimate result of going without obtaining any relief of maintenance of

one against the other. I can only hope that educated persons do not think that Court's time could be wasted, the way that have attempted to do through this mindless claim for interim maintenance.

(K. KANNAN)
JUDGE

April 29, 2015
Pankaj*