

Rimpi v. Yogender

PRESENT: Mr. Balraj Singh Dhull, Advocate for the applicant..

Ms. Savita Rana, Advocate for the respondent.

1. This is an application under Section 24 of the Hindu Marriage Act, 1955 (in short "the Act") filed by the respondent-wife for grant of maintenance pendente lite and litigation expenses.

2. There was a matrimonial dispute between the parties. The appellant-wife filed a petition under Section 13 of the Act for dissolution of marriage by a decree of divorce. The trial court on appreciation of evidence led by the parties, dismissed the divorce petition vide judgment and decree dated 8.9.2012 against which the instant appeal has been filed by the appellant-wife. The respondent-wife has filed the present application under Section 24 of the Act for maintenance pendente lite and litigation expenses during the pendency of the appeal, *inter alia*, pleading that she is a household lady and is having 3½ years old son. The respondent had never paid any maintenance and she had no source of income and she along with her minor son are living miserable life with her widow mother. On the other hand, the respondent-husband is in a good financial position and earns a considerable amount of money. She prayed that the respondent be directed to pay ₹ 50,000/- as maintenance pendente lite.

3. Notice of the application was issued. Reply has been filed

by the respondent-husband controverting the averments made in the application. It has been, *inter alia*, averred that the respondent is a poor man and is only a labourer earning about ₹ 2000/- per month.

4. We have heard learned counsel for the parties and perused the application as well as reply.

5. In addition to Section 24 of the Act, this Court is also empowered to pass interim orders in terms of Section 26 of the Act with regard to custody, maintenance and education of minor children. The claim has been made by the appellant-wife in this regard. Keeping in view the financial position of the respondent-husband, the status of the appellant-wife along with her minor son having no source of income, being dependent upon her widow mother, the cost of living these days and the overall facts and circumstances of the case, it would be appropriate to award ₹ 2000/- per month to the appellant-wife and her minor son under Sections 24 and 26 of the Act from the date of the application during the pendency of the appeal in this Court. Ordered accordingly. Besides this, the appellant-wife is also awarded a sum of ₹ 11,000/- as litigation expenses.

6. CMM stands disposed of accordingly.

**(AJAY KUMAR MITTAL)
JUDGE**

January 20, 2015
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**(SNEH PRASHAR)
JUDGE**