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**CMM-131 of 2013 in
FAO No. 1171 of 2013**

Neeraj Kumar Vs. Neerja Rani

Present: Mr. Sudhir Mittal, Advocate
for the applicant-respondent.

Mr. Rajinder Sharma, Advocate
for appellant-respondent.

Applicant Neerja Rani, who is respondent in the main appeal, has filed the present application invoking the provisions under Section 24 of the Hindu Marriage Act claiming maintenance *pendente lite*.

The applicant has claimed Rs.10,000/- per month towards *pendente lite* both for herself and also for her son aged about 15 years. She has also given details of the expenditure to be borne by her.

The respondent, who is the appellant in the main appeal, has contended that he is earning only a sum of Rs. 7600/- per month. He is also residing in a rental premises. Therefore, it is contended that the respondent is not in a position to pay more than Rs. 2500/- per month to the applicant as well as to the minor son.

Heard the submissions made on either side.

The fact remains that the applicant has been receiving a sum of Rs. 2500/- per month as maintenance as per the orders passed in petition under Section 125 Cr.P.C.

The above amount of Rs. 2500/- per month awarded by the

Criminal Court under Section 125 Cr.P.C was directed to be paid by the Family Court and as a result of which the respondent has been paying a sum of Rs. 2500/- per month regularly to the applicant.

The earning capacity of the respondent was not seriously challenged by the applicant. As the respondent has been residing separately, he has to maintain himself in the city of Gurgaon. At the same time, we find that a sum of Rs. 2500/- being received as maintenance by the applicant as well as her minor son is also found to be meager.

Considering the earning capacity of the respondent-husband and the genuine requirement of the applicant and her minor son, we are of the considered view that a sum of Rs. 1000/- in addition to a sum of Rs. 2500/- already awarded by the Criminal Court under Section 125 Cr.P.C will have to be directed to be paid by the respondent to the applicant towards monthly maintenance.

Therefore, the application stands disposed of with a direction to the respondent-husband to pay monthly maintenance of Rs.3500/- to the applicant as well as her minor son from the date of application till the disposal of this appeal.

(M. JEYAPPAUL)
JUDGE

(DARSHAN SINGH)
JUDGE

March 09, 2015