

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

**CMM No.24 of 2013 in
FAO-M-237 of 2012**

Pompy Thappar vs. Yogyata

Present: None for the appellant-husband.

Mr. Sanjeev Sharma, Advocate for the respondent-wife.

CMM No.24 of 2013

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-husband filed petition under Section 13 of the Act for dissolution of marriage on the grounds of cruelty and desertion. The trial court after examining the entire evidence on record dismissed the petition vide judgment and decree dated 23.2.2012 against which the instant appeal has been filed by the appellant-husband. 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 on the ground that she has no source of income. She is dependent upon her father. She has also to take care of the minor daughter. The amount of ₹ 6000/- awarded by the trial court in proceedings under Section 125 Cr.PC has not been paid by the appellant husband. He has not even paid the litigation expenses of ₹ 15,000/- awarded by this Court. On the other hand, the appellant-husband is having a good job and is earning very well. On these premises, the respondent-wife prays for grant of appropriate amount of maintenance pendente lite to her and her minor daughter during the

pendency of the appeal in this Court.

3. Notice of the application was given to the appellant-husband. Reply has been filed controverting the averments made in the application. It has been inter alia stated that the appellant has paid the maintenance pendente lite of ₹ 4000/- (₹ 2000/- to the wife and ₹ 2000/- to the daughter) fixed by the trial court. She is an educated lady and is earning income from fixed deposits in her name. The appellant-husband has paid litigation expenses of ₹ 15,000/- vide draft dated 9.2.2013, Annexure R.1. The appellant is merely working on commission basis with no fixed/regular source of income. On these premises, prayer for dismissal of the application has been made.

4. We have heard learned counsel for the respondent wife and perused the record. No one has appeared on behalf of the appellant-husband.

5. In addition to Section 24, the 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 respondent-wife in this regard. Keeping in view the financial position of the appellant-husband, the status of the respondent-wife alongwith her minor son being dependent upon her father and the overall facts and circumstances of the case, it would be appropriate to award ₹ 6000/- per month to the respondent-wife and her minor daughter 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. However, the amount awarded by the trial court in proceedings under Section 125 Cr.P.C. shall be adjusted towards the amount payable to the respondent-wife. She has already been

paid litigation expenses of ₹ 15,000/- by the appellant-husband as ordered by this Court.

6. CMM No.24 of 2013 stands disposed of accordingly.

(Ajay Kumar Mittal)
Judge

January 16, 2015
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(Sneh Prashar)
Judge