

Meena v. Prem Chand

Present: Mr. Pritam Saini, Advocate for the appellant.

Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate for the respondent.

CMM No.137 of 2014

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

2. There was a matrimonial dispute between the parties. The respondent-husband filed a petition under Section 12 of the Act for annulment of the marriage. The trial court after examining the entire evidence on record allowed the petition vide judgment and decree dated 24.10.2013 against which the instant appeal has been filed by the appellant-wife. She has also filed the present application under Section 24 of the Act for maintenance pendente lite and litigation expenses inter alia on the ground that she has no source of income whereas the respondent is working as Muneem in New Grain Market, Kurukshetra and was also doing the business of property dealer. His total income is ₹ 30,000/- per month. The appellant had claimed maintenance at the rate of ₹ 15,000/- per month but the learned Magistrate had granted ₹ 1500/- per month and the said order was confirmed by the Additional Sessions Judge, Kurukshetra. On these premises, the applicant prays for grant of reasonable amount of maintenance pendente lite at the rate of ₹ 2000/- per month over and above the amount of ₹ 1500/- as awarded by the

Magistrate and ₹ 33,000/- as litigation expenses.

3. Notice of the application was given to the respondent-husband. No reply has been filed to oppose the prayer made in the application.

4. We have heard learned counsel for the parties and perused the record. Keeping in view financial position of the respondent-husband, the status of the appellant-wife, the inflationary trend during these years and the overall facts and circumstances of the case, it would be appropriate to award ₹ 2500/- per month as maintenance pendente lite to the appellant-wife from the date of the application besides litigation expenses of ₹ 15,000/- during the pendency of the appeal in this Court. However, the amount of ₹ 1500/- granted by the trial court under Section 125 Cr.P.C or under any other matrimonial dispute shall be adjusted towards the amount payable to the appellant under the present application.

5. CMM stands disposed of accordingly.

FAO-M-397 of 2013 (O&M)

Adjourned to 26.2.2015.

**(AJAY KUMAR MITTAL)
JUDGE**

January 20, 2015
gbs

**(SNEH PRASHAR)
JUDGE**