

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 134 of 2016

1. Smt. Goura Shukla W/o Dr. Anupam Shukla, aged about 46 years, R/o HIG-44, Padnabhpur, Durg, District Durg, Chhattisgarh, Office Address - C.G. Environmental Conservation Board, 5/32, 32 Bunglow Bhilai, Tahsil and District Durg, Chhattisgarh(Non-Applicant)

---- Appellant

Versus

1. Dr. Anupam Shukla S/o late Ashwani Kumar Shukla, aged about 48 years, Professor A.B.V. Information Technology, Management Institute Gwalior, Tahsil and District Gwalior (M.P.) (Applicant)

---- Respondent

For Appellant – Shri Jitendra Gupta, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra
Shri Justice Chandra Bhushan Bajpai

Order on Board by Prashant Kumar Mishra, J.

14/07/2016

1. The appellant is aggrieved by rejection of her prayer for grant of interim maintenance under Section 24 of the Hindu Marriage Act, 1955.
2. While rejecting the application, the family court has observed that the appellant is working as Lecturer in a high school having gross monthly salary of Rs.51,513/- and moreover the application was filed after three years from the date of service of summons, therefore, she having independent source of income is not entitled for maintenance.
3. It is argued that the respondent is working as a Professor in Information Technology Management Institute, Gwalior having monthly salary of Rs. 1,25,000/- , therefore, the appellant is entitled for appropriate

interim maintenance. It is also argued that the appellat is getting net salary of Rs.25,000/- and not Rs.51,513/- as concluded by the trial Judge.

4. Section 24 of the Hindu Marriage Act provides that if either the husband or the wife, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, the court may direct for grant of monthly maintenance amount and litigation expenses in favour of such spouse who has no independent income.

5. Since the appellant has independent source of income her gross salary being Rs.51,513/-, the trial Court has rightly concluded that she is not entitled for interim maintenance or litigation expenses from the respondent.

6. The argument that the appellant is getting Rs.25,000/- only as net salary is misconceived because in the pay slip of February, 2016, the appellant has been paid net salary of only Rs.25,000/- because a sum of Rs.24,830/- has been deducted towards income tax. Such deduction is not made throughout the year, but lump sum deduction is ordinarily made in February when proper deduction is not made in the previous months.

7. For the foregoing reasons, this Court does not find any substance in the appeal and the same is accordingly dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Chandra Bhushan Bajpai)
Judge