

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

CR No.1194 of 2016(O&M)

Date of decision: 17.02.2016

Amit

..... Petitioner.

Versus

Smt. Saroj @ Geeta

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Salil Bali, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present civil revision petition under Article 227 of the Constitution of India has been preferred against the order dated 25.09.2015 passed by the learned District Judge, Family Court, Rohtak, vide which the respondent-wife has been granted the maintenance *pendente lite* at the rate of Rs.5000/- per month under Section 24 of the Hindu Marriage Act.

2. Learned counsel for the petitioner contended that the petitioner is a government employee. He is getting only Rs. 19,000/- per month as salary. He contended that after the ex-parte decree of divorce dated 03.10.2012, the petitioner has

solemnized the second marriage. He also had issue from the that marriage. He has a burden to look after the second wife and the child born from the wedlock with her. He has also to pay Rs. 3500/- per month as maintenance in the petition under the The Protection of Women from Domestic Violence Act, 2005 (for short 'Act'). Thus, he contended that the amount of the maintenance is on the higher side. He further contended that the respondent-wife was running a beauty parlour and a tailor-cum-faishon designing shop and was able to earn Rs. 50,000/- per month. This fact has not been taken into consideration by the learned District Judge.

3. I have duly considered the aforesaid contentions.

4. Learned District Judge, Family Court has categorically mentioned that though the petitioner-husband has taken the stand that the respondent-wife was running a beauty parlour and a tailor-cum-faishon designing shop and was earning Rs. 50,000/- per month, but no evidence was produced in that regard. So, there was no evidence to show that respondent-wife had sufficient income to maintain herself and her minor son. On the other hand, it is not disputed that petitioner-husband is a government employee and is getting Rs. 19,000/- per month as salary. Mere, this fact that he has burdened to maintain his new wife, child and parents is no ground to decline the legal right of respondent-wife to get maintenance *pendente lite* under Section 24 of the Hindu

Marriage Act, as she has no independent sufficient income to maintain herself. This fact is also not disputed that minor son is also residing with her. So, she has also to bear the expenses of the child.

5. The learned District Judge, Family Court has awarded the maintenance *pendente lite* at the rate of Rs. 5000/- per month, which is quite reasonable and cannot be stated to be exorbitant.

6. Thus, I do not find any illegality in the impugned order calling for any interference by this Court while exercising the supervisory powers under Article 227 of the Constitution of India.

7. Resultantly, the present revision petition having, no merits, is hereby dismissed.

17.02.2016

S.khan

**(DARSHAN SINGH)
JUDGE**