

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

**CR No.1634 of 2016
Decided on: 02.03.2016**

Rajesh Kumar

....Petitioner

Versus

Pooja Rani

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Gurinder Pal Singh, Advocate
for the petitioner.

REKHA MITTAL J. (Oral)

The present petition has been directed against order dated 19.01.2016 passed by the Additional District Judge, Kurukshetra allowing maintenance *pendente lite* at the rate of Rs.4,000/- per month to the respondent and Rs.5,000/- towards litigation expenses.

Counsel for the petitioner contends that the petitioner is a victim of kidney failure resulting in transplantation of one kidney donated by his mother. He has to incur huge expenditure on his medical treatment besides his obligation to maintain minor daughter of the parties staying with him. He purchased 4 marlas of land by way of transfer from his father in order to provide roof to the petitioner and his minor daughter. The learned trial Court, without appreciating the matter in detail and right perspective held

the petitioner liable to pay maintenance of Rs.4,000/- per month.

On the contrary, the application filed by the respondent for grant of maintenance under Section 125 of the Code of Criminal Procedure was dismissed by the Judicial Magistrate Ist Class, Kurukshetra vide order dated 03.12.2014.

I have heard counsel for the petitioner and perused the records.

There is no denial of the fact that respondent is the wife of the petitioner and she has been staying away from the matrimonial home. She has filed a petition under Section 13 of the Hindu Marriage Act, 1955, seeking a decree of divorce. It is a matter of evidence yet to be adduced by the parties who is to be blamed for marital disharmony. There is no materials on record to negate plea of the respondent that she has no source of income. The petitioner, being the husband, has a legal and social obligation to maintain his wife. The Courts have gone to the extent of saying that even if the husband has renounced the world and become a harmit, he is under an obligation to earn for his family and provide maintenance to his wife and minor children. The prices of daily necessities of life are skyrocketing. The maintenance of Rs.4,000/- per month may not suffice to meet two square meals what to talk of housing and clothing. In the light of above, I find myself unable to accept submissions made by counsel for the petitioner that the

Court below has committed an error much less illegality in allowing application of the respondent for grant of maintenance and award of maintenance *pendente lite* at the rate of Rs.4,000/- per month.

For the foregoing reasons, finding no merit, the petition is dismissed *in limine*. No order as to costs.

(REKHA MITTAL)
JUDGE

02.03.2016
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