

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR No. 2023 of 2016(O&M)

Date of decision :05.12.2016

Krishna Devi

.....Petitioner

Versus

Malkhan Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. Monika Jalota, Advocate
for the petitioner.

Mr. Yogesh Chaudhary, Advocate
for the respondent.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 16.12.2015 passed by the learned Additional District Judge, Kaithal, whereby the petitioner has been granted the maintenance *pendente lite* at the rate of ₹ 5000/- per month under Section 24 of the Hindu Marriage Act, 1955 (for short Act).

2. I have heard Ms. Monika Jalota, Advocate, learned counsel for the petitioner, Mr. Yogesh Chaudhary, Advocate, learned counsel for the respondent and have carefully gone through the paper book.

3. Learned counsel for the petitioner contended that in addition to the income of the respondent from pension, he was also having ₹ 20,000/- per month as rental income. He was also earning ₹ 40,000/- by doing business of property dealing. The total income of the respondent was ₹ 90,000/- per month. The petitioner also has unmarried daughter. Thus, she contended that the maintenance awarded by the learned trial Court is

inadequate.

4. I have duly considered the aforesaid contentions.

5. Respondent-Malkhan Singh has filed the divorce petition under Section 13 of the Act. During the pendency of the said petition, the petitioner-wife moved an application under Section 24 of the Act for grant of maintenance *pendente lite* alleging therein that the petitioner is earning ₹ 90,000/- per month by way of pension, rental income and income from the business of property dealing, whereas the petitioner-wife and her daughter were not having any source of income to maintain themselves.

6. The impugned order shows that the petitioner-wife cannot establish that respondent-husband was earning ₹ 90,000/- per month. Rather, it was found that respondent-husband has retired from the Electricity Department and was getting pension at the rate of ₹ 14,700/- per month. Keeping in view the income of respondent-husband, the learned trial Court has awarded the maintenance *pendente lite* to the petitioner-wife at the rate of ₹ 5000/- per month, which is more than 1/ 3rd of the income of the respondent-husband and cannot be stated to be inadequate, as the quantum of maintenance is to be fixed keeping in view the financial status/capacity of the respondent-husband.

7. Consequently, the impugned order does not suffer from any illegality. Therefore, it does not call for any interference by this Court.

8. Thus, the present revision petition having no merits, is hereby dismissed.

(DARSHAN SINGH)
JUDGE

05.12.2016

S.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No