

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

**C.R. No.3045 of 2016
Date of Decision.11.07.2016**

Sandeep s/o Shri Krishan Kumar

.....Petitioner

Vs.

Navneet @ Seema

.....Respondent

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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AMIT RAWAL J. (ORAL)

The petitioner-husband is aggrieved of the order passed in proceedings under Section 24 of the Hindu Marriage Act in divorce petition filed at his instance on the ground that in proceedings initiated under the Domestic Violence Act, 2005, he is already paying ₹4000/- as maintenance pendente lite and thus, another amount of ₹5,000/- granted in the proceedings initiated under Section 24 of the Hindu Marriage Act is exorbitant and phenomenon and exceeds 1/3rd of the net salary being received.

I have heard Mr. Ashish Gupta, Advocate for the petitioner, appraised the paper book and of the view that there is a minor child who is in the custody of the respondent-wife and even otherwise, it is settled law that in the proceedings under Section 24 of the Hindu Marriage Act, provisions for maintenance under Section 26 are inherent and thus, the Court below while awarding maintenance over and above the maintenance granted under

Domestic Violence Act, 2005, has only called upon the petitioner to pay

₹5000/-, which is almost close to 1/3rd of the total income of the petitioner-husband.

In my view, the aforementioned amount of ₹5000/- as maintenance pendente lite cannot be said to be exorbitant and excessive and in any case, the petitioner can defray the aforementioned maintenance pendente lite by leading evidence as expeditiously as possible. Keeping in view the aforesaid observations, I do not find any illegality or perversity in the order passed by the Court below.

The order passed by the Court below is confirmed and the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

July 11, 2016
Pankaj*