

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 329 of 2016

Date of Decision: 20.01.2016

Govind

... Petitioner(s)

Versus

Nisha

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Parmod Parmar, Advocate
for the petitioner.

Shekher Dhawan, J.

Present petition is under challenge to the order dated 19.11.2015 passed by learned Additional District Judge, Jhajjar, whereby application under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as "the Act"), filed by the respondent, was allowed.

Relevant facts for the purpose of decision of the present petition that respondent-wife, namely Nisha had filed an application under Section 24 of the Act for seeking interim maintenance allowance at the rate of ₹ 10,000/- per month and ₹ 15,000/- as litigation expenses.

Present petitioner contested the application on the ground that respondent is not his legally wedded wife as she had concealed her previous marriage. She had not been divorced by her

previous husband. As such she is not entitled to interim maintenance allowance.

Learned counsel for the petitioner submitted that respondent is not entitled for interim maintenance allowance as the status of marriage itself is in dispute.

Having considered the submissions made by learned counsel for the petitioner, this Court is of the considered view that respondent-wife has been able to make out a case that she got married to present petitioner on 17.8.2014. Thereafter, raising of dispute by the husband regarding status of marriage is just for denial of maintenance allowance. A married wife is certainly entitled to interim maintenance allowance during the pendency of petition under Section 24 of the Act for her survival and present petitioner, being husband, is legally and morally liable to make the payment of maintenance allowance to the respondent. In the present case, respondent-wife is not having any independent source of income for her survival.

The Court below has rightly decided the controversy that respondent-wife is entitled to interim maintenance allowance at the rate of ₹ 10,000/- per month and litigation expenses to the tune of ₹ 5,500/-. The said amount cannot be considered to be on the higher side in any way. As such, present petition is without any merit and the same stands dismissed.

(Shekher Dhawan)
Judge

January 20, 2016
"DK"