

In the High Court of Punjab and Haryana at Chandigarh

CR-4892-2016 (O&M)

Date of decision: 2.8.2016

RAJESH CHAUHAN

.....petitioner

Versus

SONIA

..... respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(oral)

1. Petitioner has assailed the order dated 24.2.2016 passed by Additional District Judge, Sirsa on an application under Section 24 of the Hindu Marriage Act filed by the respondent, whereby the trial Court granted an amount of ₹ 1,500/- as maintenance pendente lite to the respondent-wife besides ₹ 2,000/- as litigation expenses.

2. Learned counsel for the petitioner argues that the couple has already adopted a female child and the petitioner has all the responsibility to maintain his old mother. Admittedly, respondent-wife is also living in the same house. An allegation has also been made with reference to some photographs that the respondent-wife was having some extra marital affair with one Rakesh. At the stage of awarding maintenance under Section 24 of the Hindu Marriage Act, such allegations cannot be appreciated for want of any evidence on record. Parties would be at liberty to establish their version and

cross-version during trial of petition under Section 13 of the Hindu Marriage Act.

3. It is a settled principle of law that the wife has a right to maintain herself as per the status of the husband. It has been alleged in the petition that the petitioner-husband is involved in the business of selling eggs at egg corner and is earning ₹ 15,000/- per month. The allegation of extra marital affair has been refuted. Be that as it may, it was appropriate for the trial Court to award maintenance as per preponderance of probability. In considered opinion of this Court, award of ₹ 1,500/- per month as maintenance pendente lite cannot be held to be on higher side.

4. Faced with this situation, learned counsel contends that in view of facts and circumstances of the case, trial Court be obligated to decide the main case within some time frame. Petition was filed on 15.5.2015 and is at the verge of beginning of trial. Petitioner is to make payment of arrears of maintenance, if any, thereafter, the trial will proceed.

5. This Court does not feel like to interfere in the order of granting maintenance. Hence, this revision petition is dismissed. However, the trial Court would make every endeavour to decide the main case as expeditiously as possible.

August 02, 2016
anita

(RAJ MOHAN SINGH)
JUDGE