

Civil Revision No.5561 of 2015

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

Civil Revision No.5561 of 2015 (O&M)
Date of decision: 10.02.2016

Dr. Amar Nath Chauhan

....Petitioner

Versus

Dr. Suresh Kumari

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the 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 ?

Present: - Mr. Saurabh Arora, Advocate, for the petitioner.
Mr. Shekhar Kumar, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J.

CM No.3106-CII of 2016

Allowed. Reply on behalf of the respondent is taken on record
subject to all just exceptions.

CR No.5561 of 2015

Instant revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 13.07.2015 passed by learned District Judge, Family Court, Gurgaon, whereby on an application moved by respondent-wife under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act'), petitioner-husband has been directed to pay Rs.30,000/- per month as interim

Civil Revision No.5561 of 2015

maintenance pendente lite from the date of filing of the application i.e. 14.08.2013 besides paying school fee, including all requisite charges of their daughter.

Brief facts of the case are that marriage between the parties took place on 12.12.1996. From the wedlock a female child, namely, Sukanya was born on 09.11.1997. However, after sometime of the marriage, relations between the parties became so strained that petitioner filed a petition under Section 13(1)(ia) of the Act. During the pendency of said petition, respondent-wife filed application under Section 24 of the Act seeking maintenance pendente lite on the ground that she was previously employed but was no longer in service. The application moved by the respondent was allowed by learned District Judge, Family Court, Gurgaon, vide order dated 20.11.2014. Petitioner challenged the order dated 20.11.2014 before this Court in Civil Revision No.955 of 2015. In pursuance of the directions issued by this Court on 12.02.2015, petitioner deposited 50% of the amount i.e. Rs.68,000/-, as ordered by the Family Court. Vide order dated 15.05.2015 CR No.955 of 2015 was allowed and order dated 20.11.2014 passed by Family Court, Gurgaon was set aside and Family Court was directed to decide the application under Section 24 of the Act afresh. Vide order dated 13.07.2015 application under Section 24 of the Act has been allowed and petitioner has been directed to pay an amount of Rs.30,000/- per month as maintenance pendente lite to the respondent-wife from the date of filing

Civil Revision No.5561 of 2015

of the application i.e. 14.08.2013. Petitioner has further been directed to pay school fee, including all requisite charges required by the school qua their daughter. Hence, this revision petition.

Learned counsel for the petitioner vehemently contended that impugned order is not sustainable in the eyes of law. The expenses for higher studies of respondent were met by the petitioner. Application under Section 24 of the Act was filed by the respondent on 14.08.2013 at the time when she was working as Assistant Professor and was earning a salary of Rs.55,000/- per month. The maintenance pendente lite awarded by the Family Court is very excessive.

On the other hand, learned counsel for the respondent contended that impugned order passed by the Family Court is just and legal as the same has been passed keeping in view the need of the respondent and her daughter and the income of the petitioner. Petitioner is under legal obligation to maintain his wife and child.

I have considered the contentions raised by learned counsel for the parties.

Only grievance of the petitioner is that interim maintenance has been awarded from the date of application i.e. 14.08.2013 when respondent was in service. Respondent resigned from service w.e.f. 04.10.2014. Interim maintenance is required to be awarded as per status of the parties. The respondent was earning salary of Rs.55,000/- per month as Assistant Professor till 04.10.2014 and the said income has not

Civil Revision No.5561 of 2015

been taken into consideration by the Court below while granting maintenance pendente lite. Keeping in view the income of the respondent, the impugned order is modified to the extent that w.e.f. 14.08.2013 i.e. the date of filing of application to 30.09.2014 respondent shall be entitled to maintenance pendente lite at the rate of Rs.20,000/- per month instead of Rs.30,000/- per month and thereafter w.e.f. 01.10.2014 maintenance pendente lite shall be treated @ Rs.30,000/- per month.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 10, 2016
R.S.