

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

CR No.5642 of 2016(O&M)

Date of decision:26.10.2016

Tejbir

....Petitioner

VERSUS

Anita

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashok Kumar Sehrawat, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

CM No.22016-CII of 2016

Allowed as prayed for.

Annexure P-3 is taken on record subject to just exceptions.

Disposed of accordingly.

CR No.5642 of 2016

The present petition has been directed against order dated 13.07.2016 passed by the District Judge, Family Court, Rohtak whereby the respondent-wife has been awarded maintenance pendente lite at the rate of Rs.12,000/- per month under Section 24 of the Hindu Marriage Act, 1955 (in short 'the Act') in the proceedings for divorce initiated at the instance of the petitioner-husband.

Counsel for the petitioner has submitted that though gross salary of the petitioner is Rs.30,000/- per month but as per showing of Annexure P-3, he received cash payment ranging between Rs.16,000/- to Rs.20,000/- w.e.f. 30.11.2015 to 31.08.2016 except on 29.01.2016 and its

average comes to approximately Rs.21,000/- per month. It is further submitted that there is nothing on record suggestive of the fact that the petitioner has any other income. Another submission made by counsel is that the respondent is B.Tech and the receipt (Annexure P-2) proves that an amount of Rs.55,500/- by way of cheque was paid to P.M. College of Engineering towards fee and the payment was made by the petitioner. The last submission made by counsel is that as the respondent is technically qualified, she is not entitled to get maintenance.

I have heard counsel for the petitioner, perused the paper-book particularly the order impugned.

Be that as it may, it is an admitted position of the case that the petitioner is getting gross salary of Rs.30,000/- per month. The petitioner has not produced document as to under what heads deductions from salary are being made to derive benefit of any deduction permissible in law.

The petitioner submitted reply to the application filed under Section 24 of the Act. As per gist of the reply reproduced in the impugned order, no such plea was raised by the petitioner that the respondent is technically qualified much less employed. On the contrary, plea raised by the petitioner is that she is earning hand as she is doing stitching work at home. The vague plea raised by the petitioner with regard to the respondent doing stitching work has rightly been ignored by the Court below.

The petitioner is working in the Air Force on a monthly salary of Rs.30,000/-. The respondent-wife is entitled to enjoy the same amenities of life as she would have had she been staying in the matrimonial home. Keeping in view the sky-rocketing prices of daily necessities of life coupled with the discussion made hereinbefore, I do not find any reason to

interfere in the order impugned and accordingly the petition is dismissed in *limine*.

However, nothing stated in this order shall be construed as an expression of opinion on merits of the case.

OCTOBER 26, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

:

yes/no

Whether reportable

:

yes/no