In the High Court of Punjab and Haryana, at Chandigarh

1. **Civil Revision No. 574 of 2015**

Kulwinder Singh

... Petitioner(s)

Versus

Parveen

... Respondent(s)

AND

2. **Civil Revision No. 2091 of 2015**

Parveen

... Petitioner(s)

Versus

Kulwinder Singh

... Respondent(s)

DATE OF DECISION: 26.02.2016

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Namit Gautam, Advocate
for the petitioner (In CR-574-2015) And
for the respondent (In CR-2091-2015).

Mr. Parveen Kumar, Advocate
for the petitioner (In CR-2091-2015) And
for the respondent (In CR-574-2015).

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Shekher Dhawan, J.

This order of mine shall dispose of two revision petitions i.e. Civil Revision No. 574 of 2015, filed by husband-Kulwinder Singh and Civil Revision No. 2091 of 2015, filed by wife-Parveen, as both have arisen out of impugned order dated 14.11.2014, passed by learned Additional District Judge (Fast Track Court), Hoshiarpur.

For the sake of adjudication of the matter, facts are being taken from Civil Revision No. 574 of 2015, filed by husband-Kulwinder Singh, which is challenge to the order dated 14.11.2014, whereby application under Section 24 of the Hindu Marriage Act, 1955 (herein after referred to as "the Act") for grant of maintenance pendent lite and litigation expenses was accepted in a petition for divorce under Section 13 of the Act.

Petitioner-husband, who had originally filed main petition under Section 13 of the Act for dissolution of marriage by way of decree of divorce against his wife-Parveen. During pendency of the litigation, application for grant of maintenance pendent lite and litigation expenses was filed by wife on behalf of herself as well as her minor daughter under Section 24 of the Act. As per applicant, she has no source of income to maintain herself and her minor daughter, whereas her husband is working in a factory in Italy and his monthly income is not less than ₹ 2,00,000/-. As per applicant, she required at least ₹ 20,000/- per month for their maintenance along with ₹ 20,000/- as litigation expenses. The said application was contested by the husband

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on the ground that his wife herself left his society and she had gone to Germany where she is residing for the last more than three years. The husband also took the plea that he was not aware of the date of birth of his daughter as his wife left his society on 21.4.2009. He denied the fact that he is earning ₹ 2,00,000/- per month and as such, she is not entitled to any maintenance.

On these facts, the Court below passed the impugned order, whereby maintenance allowance at the rate of ₹ 10,000/- per month was granted from the date of application, whereas no amount was ordered to be paid as litigation expenses.

Learned counsel for the petitioner-husband submitted that there is no evidence that husband is earning more than ₹ 2,00,000/- per month but the Court below passed the order of maintenance allowance in favour of the applicant-wife and the said order is liable to be set aside.

However, learned counsel for the petitioner-wife submitted that the Court below has not passed the order for making payment of sufficient maintenance allowance, though the income of husband is more than ₹ 2,00,000/- per month and he is living abroad. However, in that regard, she was unable to collect any documentary evidence. More so, minor daughter is aged about five years and she is being brought up and maintained by the wife. Minor daughter has also to be provided education by the wife and a lot of money has to be spent on her education by petitioner-wife. So, revision petition filed by petitioner-

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wife be accepted and maintenance allowance as ordered by the Court below be enhanced.

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that relationship between the parties is not disputed and there being no evidence regarding income of husband, the Court below rightly passed the order for making payment of maintenance allowance at the rate of ₹ 10,000/- per month from the date of application and in the given circumstances, that was the most appropriate order and both the petitions, one filed by the husband and other by the wife, being devoid of any merit, stand dismissed.

(Shekher Dhawan)
Judge

February 26, 2016
"DK"

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