

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

**CR No.6198 of 2013
Decided on: 12.12.2016**

Amit Kumar

....Petitioner

Versus

Navjot Dubey

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. R.D. Sharma, Advocate
for the petitioner.

Mr. R.S. Chauhan, Advocate
for the respondent.

REKHA MITTAL, J.

The present petition directs challenge against order dated 11.09.2013 (Annexure P5) passed by the District Judge, Pathankot whereby the respondent – wife has been allowed maintenance *pendente lite* under Section 24 of the Hindu Marriage Act.

The sole submission made by counsel for the petitioner is that the maintenance allowed by the Court @ Rs.15,000/- per month is on higher side and liable to be reduced. To substantiate his contention, counsel has submitted that the respondent – wife is working as a Science Mistress in Government Senior Secondary School, Boha (Pathankot) and her gross salary in the year 2013 was more than Rs.38,000/- whereas gross salary of the petitioner was Rs.28,630/- and his carry home salary was Rs.18,030/-. It has further been submitted that gross salary of the respondent at present is approximately Rs.48,000/- whereas it is little more than Rs.37,000/- of the petitioner as of now. Another submission made by counsel is that the petitioner

has an obligation to look after his old parents besides providing maintenance to the respondent.

Per contra counsel for the respondent has supported the impugned order with the submission that in view of sky-rocketing prices of necessities of life, expenses on education of two children besides their needs to grow well and face peer pressure, maintenance assessed by the Court below by no stretch of imagination can be termed to be excessive, warranting intervention.

I have heard counsel for the parties and perused the paperbook particularly the order impugned.

It is undisputed position of the case that the parties performed marriage on 10.10.1999 and two children one son and a daughter born out of their wedlock have been residing with the respondent – wife. The respondent – wife is working as a teacher in a government school and the petitioner – husband is working in the office of S.P. Kandi Township. The wife is drawing salary more than the husband and there is difference of approximately Rs.10,000/- in the gross emoluments of the wife viz-a-viz that of the husband. As per the settled position in law, the wife is entitled to enjoy the same amenities of life as she would have been had she been staying in the matrimonial home. Taking into consideration prices of daily necessities of life, expenses on education of the children who have to meet the challenges of the society and face peer pressure, I find it difficult to accept contention of the petitioner that maintenance *pendente lite* assessed by the Court below is on higher side and requires reduction.

For the foregoing reasons, the petition fails and is

accordingly dismissed.

12.12.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No