

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

Decided on: 05.08.2016

1. CR No.6400 of 2015

Gurpartap Singh	Versus	...Petitioner
Parvinder Jeet Kaur and another		Respondents

2. CR No.7457 of 2015

Parvinderjeet Kaur and another	Versus	Petitioners
Gurpartap Singh		Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. H.S. Bhullar, Advocate
for the petitioner (in CR No.6400 of 2015)
and for the respondent (in CR No.7457 of 2015)

Mr. Ajay Chaudhary, Advocate
for the petitioners (in CR No.7457 of 2015)
and for the respondents (in CR No.6400 of 2015)

REKHA MITTAL, J.

This order will dispose of CR Nos.6400 and 7457 of 2015 as these have emerged out of the same order dated 01.08.2015 (Annexure P-1) passed by the Additional District Judge, SAS Nagar, Mohali. For the sake of convenience, facts are taken from CR No.6400 of 2015.

Pratap Singh, the husband has filed a petition for divorce under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act'), pending in the Court at Mohali. In the said petition, an application under Section 24 of the Act was filed by the wife for grant of maintenance *pendente lite* @ Rs.65,000/- per month i.e. Rs.35,000/- for herself and Rs.30,000/- for minor child of the parties along with litigation expenses. The application was disposed of by the trial Court

and maintenance *pendente lite* @ Rs.10,000/- per month each for wife and minor child has been allowed from the date of application i.e. 24.12.2014.

Counsel for the petitioner has urged that as the respondent-wife is working as a Lecturer in a college at a monthly salary of Rs.31,000/-, she has sufficient means to maintain herself and, therefore, she is not entitled to get any maintenance. The petitioner is ready to pay maintenance to his daughter as assessed.

Counsel for the respondent, on the contrary, has submitted that in view of prices of daily necessities of life, the rental value of the property occupied by the respondent besides electricity and water charges, expenses required for education of the child including school fee, transport charges, tuition charges, expenses on extra curricular activities and other miscellaneous expenses as she is a student of 6th class in D.A.V. School, Sector 64, Mohali, maintenance assessed by the Court below requires enhancement both for the respondent and minor daughter of the parties.

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

On due consideration of rival submissions made by counsel for the parties, it becomes an admitted position that the petitioner is getting monthly salary of Rs.60,000/- and some odd amount, working as an Engineer in Municipal Corporation, Sangrur and an amount of Rs.2,000/- is being deducted towards income-tax and thus, his carry-home salary plus the amount of provident fund would be Rs.58,000/-

approximately. The respondent-wife is working as a Lecturer in Indo Engineering College, Abhipur near Mullanpur Gribdas, SAS Nagar, Mohali at a salary of Rs.31,000/-. There is nothing on record suggestive of the fact that either of the parties has any other source of income except the salary being paid by their respective employers. Taking into consideration the total amount that would have been available to the family had there been no marital disharmony, it is difficult to accept that the respondent-wife would have been entitled to more than Rs.50,000/- per month for maintenance for the child and herself. On the other hand, maintenance awarded by the trial Court in favour of the respondent @ Rs.10,000/- can neither be said to be on higher side nor plea of the petitioner merits acceptance that as the respondent is earning Rs.31,000/-, she is not entitled to get any maintenance. I would hasten to add that as per settled position in law, the wife is entitled to enjoy the same amenities of life as she would have had she been residing in the matrimonial home. In the given facts and circumstances, there is no justification to tinker with the order impugned.

For the foregoing reasons, the petitions fail and accordingly dismissed.

05.08.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No