

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6456 of 2015

Date of Decision: 06.05.2016

Rishi Kaushal

... Petitioner(s)

Versus

Himani

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 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. Vikram Bali, Advocate
for the petitioner(s).

Mr. Ankur Mittal, Advocate
for the respondent(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 25.8.2015, passed by learned Additional District Judge, Chandigarh, whereby application filed by the respondent-wife under Section 24 of the Hindu Marriage Act, 1956 (hereinafter referred to as "the Act") was accepted and present petitioner-husband was directed to make payment of maintenance allowance at the rate of ₹ 15,000/- per month and litigation expenses to the tune of ₹ 5,500/-.

Learned counsel for the petitioner, while assailing the

impugned order, submitted that the Court below has not considered the correct facts that the petitioner had been making payment of ₹ 4,000/- per month towards installment of soft loan, ₹ 7,000/- towards personal loan and further sum of ₹ 8,000/- on account of rent, water & electricity charges. More so, respondent-wife is living separately in adultery and the main petition has been filed for seeking divorce on the ground of adultery as well. Respondent-wife is an educated lady and is capable to maintain her and she was infact earning ₹ 10,000/- per month by doing job of teacher and the Court below completely ignored this fact while passing order dated 25.8.2015 and the same be set aside by accepting the present petition.

Learned counsel for the respondent submitted that the petitioner is earning ₹ 48,000/- per month but he has not been maintaining the respondent-wife and the Court below has rightly decided the application under Section 24 of the Act and the present petition, being without any merit, be dismissed.

Having considered the submissions made by learned counsel for the parties, appraisal of the record of the case and the impugned order, this Court is of the considered view that most of the facts are not disputed that respondent is a legally wedded wife of petitioner and she is living separately. Petitioner is earning ₹ 48,000/- per month, whereas respondent-wife is not gainfully employed.

As regard to the plea taken by the petitioner that he is making payment of ₹ 4,000/- per month towards instalment of soft loan, another sum of ₹ 7,000/- towards personal loan and ₹ 8,000/- per

month on account of rent does not make out a case for denial of maintenance allowance to the legally wedded wife. Merely raising of loan by the husband cannot be a ground for denial of maintenance allowance to the wife because the right of wife to be maintained by the husband comes first. The Court below has rightly taken all these facts into consideration and passed order dated 25.8.2015.

Keeping in view the earning of the petitioner and status of the parties, the amount of maintenance allowance awarded by the Court below cannot be considered to be on higher side in any way. In view of above discussion, present petition is without any merit and the same stands dismissed.

(Shekher Dhawan)
Judge

May 06, 2016
"DK"