

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

CR No.6558 of 2015

Date of decision : 21.03.2016

Sukhdev Singh

...Petitioner

Versus

Seema Rani and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Mohinder Kumar, Advocate for the petitioner.

Ms. Rishma Verma, Advocate for respondent Nos.1 and 2.

AMIT RAWAL, J. (Oral)

The petitioner-husband is aggrieved of the order passed in application moved under Sections 24 and 26 in a petition filed under Section 13 of the Hindu Marriage Act, has been allowed.

Mr. Mohinder Kumar, learned counsel appearing on behalf of the petitioner submits that it is unfortunate litigation initiated under Hindu Marriage Act. Out of wedlock, two children were born, one is living with wife and other is living with husband. Wife is doing the work of travel agent having a office at K.K. Immigration, Channi Complex, Near Gurudwara, Model Town, Jalandhar and, therefore, the amount of maintenance pendente lite of ₹5,000/- and ₹2,000/- to the child is phenomenal. Even the litigation expenses are also not liable to be paid.

Ms. Rishma Verma, learned counsel appearing on behalf of respondent Nos.1 and 2 submits that returns relied upon by the petitioner is

for the period when wife and husband filed divorce petition, thereafter wife is not running any business much less having no source of income. Child is school going and studying in 5th standard and incur education expenses and day to day needs thus application has been filed under Sections 24 and 26 also, and thus, prays for dismissal of the revision petition.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no merit in the plea of Mr. Kumar for the reasons that education of the child is most essential than to the maintenance of respondent-plaintiff. However, respondent has invoked provision of Section 26 of the Act, therefore, I am of the view that child is entitled to maintenance pendente lite at the rate of ₹5,000/- as one of the child is in custody of the petitioner and accordingly, the amount of litigation expenses is little less which is also liable to be increased.

Keeping in view the aforementioned facts and circumstances, impugned order is modified. Respondent-wife shall not be entitled to any maintenance pendente lite owing to the fact that she apparently is running travel agency . However, minor child shall be entitled to maintenance at the rate of ₹5,000/- per month. Litigation expenses is increased from ₹5,000/- to ₹11,000/-.

In the aforementioned terms, revision petition stands disposed of.

Nothing mentioned above shall be construed an expression of merit of suit.

21.03.2016

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**(AMIT RAWAL)
JUDGE**