

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

Civil Revision No.705 of 2016 (O&M)

Date of decision : 01.02.2016

Naunihal Singh

.....Petitioner

Versus

Smt. Harpreet Kaur

...Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

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

Present: Mr. Vaibhav Narang, Advocate for petitioner.

DARSHAN SINGH, J.

The present revision petition has been preferred against the order dated 03.12.2015, passed by the learned Additional District Judge, Amritsar, whereby the application filed by respondent-wife under Section 24 of the Hindu Marriage Act, 1955 (hereinafter called the 'Act') for grant of maintenance *pendente lite* and litigation expenses has been allowed and the petitioner has been directed to pay the maintenance *pendente lite* @ Rs.10,000/- per month and Rs.11,000/- towards litigation expenses.

2. Learned counsel for the petitioner contended that there was

no documentary evidence to establish the income of the petitioner-husband. The learned trial court has presumed that the petitioner is an agriculturist having 10 acres of agricultural land and assessed the income of the petitioner @ Rs.50,000/- per month, which is highly excessive. He further contended that two children were born out of the wedlock and both of them are residing with the petitioner-husband. The petitioner has also to look after his old ailing mother. Thus, he pleaded that the amount of maintenance fixed by the learned trial court is exorbitant.

3. I have duly considered the aforesaid contentions.

4. This fact is not disputed that the respondent is the legally wedded wife of the petitioner. There is no material on record to show that the respondent-wife had sufficient income to maintain herself. So, she will certainly be entitled for grant of maintenance *pendente lite* under Section 24 of the Act.

5. This fact is not disputed that Harwant Singh, the father of the petitioner, was having 10 acres of agricultural land. It is also not disputed that petitioner was the only son of his parents. His father Harwant Singh has died. So, the petitioner has inherited the agricultural land. Thus, I do not find any illegality in assessment of the income of the petitioner @ Rs.50,000/- per month by the learned trial court. The learned trial court has awarded 1/5th of the income of the petitioner-husband as maintenance *pendente lite* to the respondent-wife, which cannot be stated to be on higher side.

6. Thus, keeping in view my aforesaid discussion there is no illegality in the impugned order warranting the exercise of the extraordinary

supervisory jurisdiction by this Court exercising the powers under Section 227 of the Constitution of India.

7. Resultantly, the present revision petition being devoid of merits, is hereby dismissed.

01.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**