

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.7536 of 2015

Date of Decision.20.09.2016

Neena Sharma and another

.....Petitioners

Vs.

Sudhendu Arora

.....Respondent

Present: Mr. Manmeet Singh Rana, Advocate
for the petitioners.

Mr. K.S. Dhillon, Advocate
for the respondent.

-. -

AMIT RAWAL J. (ORAL)

The petitioner and the minor child through mother have approached this Court for enhancing the amount of maintenance pendente lite and as well as modification of the order by treating the maintenance pendente lite from the date of application instead of from the date of order.

Mr. M.S. Rana, learned counsel appearing for the petitioners submits that no doubt the trial Court had refused the maintenance to the wife on account of the fact that she is serving/earning but the child is studying in 10+1 and has to take the tuition which has come very expensive these days and causing a financial loss to the wife-petitioner, thus, amount of maintenance be increased keeping in view the aforementioned fact.

Per contra, Mr. K.S. Dhillon, learned counsel appearing for the respondent submits that the Court below has refused the maintenance pendente lite to the wife on the ground that she is earning and is contributing major amount of earning towards provident fund. If at all, she

the husband and wife are responsible for the upbringing and education of the child and amount of ₹10,000/- granted for maintenance of the child is sufficient.

I have heard learned counsel for the parties, appraised the paper book and of the view that amount of maintenance pendente lite awarded to the minor child is sufficient. It cannot be said to be less, keeping in view the status of the parties as both the husband and wife are earning well and having a good status in the society. It is also the duty of the wife to bear the education expenses of the child even he has to take the tuition for the purpose of excelling in education. I do not deem it appropriate to increase the amount of maintenance which is according to the income of the respondent-husband. However, the court below had ordered the maintenance pendente lite from the date of the order passed which I believe should have been from the date of application. Accordingly, the order under challenge is modified and the amount of maintenance pendente lite is upheld but the same shall be operative from the date of the application.

With the aforementioned modification, the revision petition is disposed of.

(AMIT RAWAL)
JUDGE

September 20, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No