

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR No. 7514 of 2016(O&M)

Date of decision :06.12.2016

Gurnek Singh

.....Petitioner

Versus

Baljit Kaur

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Nirbhay Singh, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 12.09.2016 passed by the learned Additional District Judge, Patiala, vide which the application moved by the petitioner-husband under Section 24 of the Hindu Marriage Act, 1955 (for short 'Act') for grant of maintenance *pendente lite* and litigation expenses has been dismissed.

2. I have heard Mr. Nirbhay Singh, Advocate, learned counsel for the petitioner and have carefully gone through the paper book.

3. Learned counsel for the petitioner contended that the petitioner-husband is unemployed. He is 70% handicapped. Earlier, he used to serve with the insurance company as insurance advisor, but as that job required frequent travelling to different destinations, so the insurance company was not satisfied with his performance and he was forced to quit the job. Now, he has no source of income, whereas, the respondent-wife is employed with the Punjab State Tourism Department and is getting ₹ 30,000/- per month. So, the petitioner is entitled to a sum of ₹ 10,000/- per month as

maintenance *pendente lite* and ₹ 10,000/- as litigation expenses.

4. I have duly considered the aforesaid contentions.

5. Respondent-wife has filed the petition under Section 12 of the Act for annulment of the marriage by the decree of nullity. This fact is not disputed that at the time of marriage, the petitioner-husband was working as insurance advisor with the insurance company. At the time of arguments, this fact was not disputed that the petitioner was having this disability even before his employment with the insurance company. So, the disability suffered by the petitioner was even before his employment with the insurance company. Hence, it cannot be a cause for relinquishment of the job by the petitioner and it appears that he has himself left the job. So, if he has chosen to leave the job, it cannot be stated that he was not able to maintain himself. This fact was also stated by learned counsel for the appellant at the time of arguments that now, the petitioner is working as a waiter at some Dhaba, so it cannot be stated that he is unemployed and is having no independent source of income to maintain himself.

6. Thus, keeping in view my aforesaid discussion, the application of the petitioner for grant of maintenance *pendente lite* against respondent-wife has been rightly dismissed by the learned trial Court.

7. Consequently, the impugned order does not suffer from any illegality. Therefore, it does not call for any interference by this Court.

8. Thus, the present revision petition having no merits, is hereby dismissed.

06.12.2016

S.khan

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No