

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

CR No. 7560 of 2015

Date of decision :13.05.2016

Inderpal Singh

..... Petitioner

Versus

Baljit Kaur

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Nakul Sharma, Advocate
for Mr. M.S.Sachdev, Advocate
for the petitioner.

Mr. G.S.Thind, Advocate
for the respondent.

- 1. Whether Reporters of 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.**

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 08.09.2015, passed by the learned Additional District Judge, Jalandhar, vide which the application moved by the respondent-wife under Section 24 of the Hindu Marriage Act, 1955 (for short 'Act') for grant of maintenance *pendente lite* and litigation expenses has been

allowed and the respondent-wife has been awarded maintenance *pendente lite* at the rate of Rs. 15000/- per month from the date of application and Rs. 5500/- have been granted as litigation expenses.

2. Learned counsel for the petitioner contended that the petitioner-husband is having no source of income. He has drawn my attention to Annexure P-6 a certificate issued by one Christiane Knull Steuerberaterin, wherein it is mentioned that Inderpal Singh is being provided social help by German Government for livelihood since 2007-2015 from employment agency. He contended that it shows that the petitioner is unemployed in Germany and is having no source of income. Whereas, respondent-wife is doing tuition work and is earning Rs. 10,000/- per month. Thus, he contended that the impugned order is illegal.

3. On the other hand, learned counsel for the respondent-wife contended that the petitioner-husband is residing in Germany and is earning Rs. 2,50,000/- per month. Respondent-wife has no source of income to maintain herself. Thus, he contended that the impugned order does not suffer from any illegality.

4. I have duly considered the aforesaid contentions.

5. This fact is not disputed that the respondent is the legally wedded wife of the petitioner-husband. The respondent-wife has pleaded that petitioner-husband is

residing in Germany and is earning Rs. 2,50,000/- per month. However, she has failed to place on record any documentary evidence. On the other hand, the petitioner-husband has taken the plea that he is unemployed in Germany and is dependent upon social help for livelihood provided by the German Government. Annexure P-6 referred by learned counsel for the petitioner on this aspect is a letter written by one Christiane Knull Steuerbeaterin addressed to the petitioner. The authenticity of this letter is yet to be established. In the letter Annexure P-6 relied upon by the petitioner, this fact is also not mentioned that as to how much amount is being given to the petitioner on account of social help and on what ground this social help is being provided to the petitioner.

6. It is not disputed that petitioner-husband is residing in Germany i.e. a European Country. It is not expected that he must be without any job. Even, the persons doing manual labour earn handsome wages in those countries. So, he must be earning handsome by doing some work in Germany. There is no evidence on record to show that respondent-wife is imparting any tuition and is earning sufficient income to maintain herself. So, it is moral as well as legal duty of the petitioner to maintain the respondent-wife.

7. Consequently, I do not find any illegality in the impugned order passed by the learned trial Court.

8. Thus, the present revision petition having no merits,

is hereby dismissed.

13.05.2016

S.khan

(DARSHAN SINGH)
JUDGE