

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

**CR No.7815 of 2015
Decided on: 30.05.2016**

Karamjit Kaur and another

....Petitioners

Versus

Navtej Singh

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Ashish Gupta, Advocate
for the petitioners.

Mr. V.K.S. Sandhu, Advocate
for the respondent.

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

REKHA MITTAL, J.

The present petition has been filed for modification of order dated 20.05.2015 (Annexure P-3) passed by the Family Court, Faridkot, whereby maintenance *pendente lite* @ Rs.10,000/- per month has been awarded while disposing of application under Section 24 of the Hindu Marriage Act (for short 'the Act') in proceedings pending under Section 13 of the Act for dissolution of marriage of the parties.

Counsel for the petitioners has submitted that the respondent (husband) is posted as *Naik* at Baramula, drawing a monthly salary of Rs.40,000/-. The respondent has neglected and failed to maintain Karamjit Kaur, his wife and the minor child namely

Sukhmandeep Kaur aged about 12 years' for the past about 08 years. It is further submitted that there is no challenge to the averments made in the application in regard to salary of the respondent. Further submitted that keeping in view the prices of daily necessities of life coupled with the factum that the mother has to satisfy the needs of the child aged about 12 years' old when examined in the light of gross emoluments of the respondent, maintenance awarded by the Court below needs enhancement. Another submission made by counsel is that the Court has not awarded expenses for defending the litigation initiated at the behest of the respondent/husband.

Counsel for the respondent, on the other hand, has supported the impugned order with the submissions that the respondent has an obligation to maintain his parents and a brother who is physically impaired having lost one lower limb. It is further argued that an amount of Rs.6,347/- towards maintenance is being received by petitioner No.1, remitted by the Army Authorities.

I have heard counsel for the parties, perused the paperbook particularly the order impugned.

A perusal of the reply filed by the respondent in response to the application filed under Section 24 of the Act would make it evident that the respondent has not controverted the allegations with regard to his gross salary to the extent of Rs.40,000/- per month. No such plea has been raised by the respondent that he has a liability to maintain his parents or the brother stated to be disable. As per settled position in law, Karamjit Kaur being the wife is entitled to enjoy the same amenities and status as she would have been had she been

residing with her husband. The respondent has an obligation to provide adequate maintenance to his wife and grown-up daughter of the parties. Keeping in view the gross salary of the respondent, the maintenance awarded by the Court below appears to be inadequate and requires enhancement. Accordingly, in the given facts and circumstances, the petitioners are allowed maintenance *pendente lite* @ Rs.15,000/- per month from the date of filing of the application. The amount of Rs.6,347/- already being received by the petitioner shall be liable to adjustment out of the amount of Rs.15,000/-. The petitioner No.1 shall be entitled to an amount of Rs.15,000/- towards litigation expenses.

For the foregoing reasons, the petition stands disposed of with modification in terms stated hereinbefore.

30.05.2016
yakub

(REKHA MITTAL)
JUDGE