

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

**CR No.850 of 2016 (O&M)
Date of decision :20.05.2016**

Raminder Singh Judge

..... Petitioner

Versus

Jasroop Judge

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Mandeep S. Sachdev, Advocate
for the petitioner.

- 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 03.09.2015 passed by the learned Additional District Judge, Jalandhar, whereby the petitioner-husband has been directed to pay maintenance *pendente lite* at the rate of Rs. 18000/- per month to the respondent-wife from the date of application and Rs. 5000/- as litigation expenses under Section 24 of the Hindu Marriage Act, 1955 (for short Act).

2. Learned counsel for the petitioner contended that

the respondent-wife is an educated person. She was running a boutique at Urban Estate, Phase-II, Jalandhar under the name and style Parinaz Boutique and was having sufficient income to maintain herself. He contended that respondent-wife has even posted the advertisement on the facebook. Thus, she is professional. He further contended that the learned Additional District Judge has observed that respondent-wife has responsibility to maintain the children, whereas a separate application has been filed under Section 26 of the Act for grant of maintenance to the children. Thus, he contended that the impugned order is illegal.

3. I have duly considered the aforesaid contentions.

4. The petitioner-husband has filed the petition under section 13 of the Act for dissolution of the marriage by a decree of divorce. During the pendency of the said petition, respondent-wife has filed the application under Section 24 of the Act for grant of maintenance *pendente lite*. It has been alleged in the application that the petitioner-husband is running two leather factories under the name and style of M/s Indo Leather Products, at Jalandhar and M/s Indo International having its office in the United States and is earning Rs. 10 lacs per month. In the reply filed by the petitioner, he has admitted his gross income to be Rs. 6 lacs per annum, but pleaded that out of that he has to maintain his parents, who are dependent upon him. It was also pleaded

that the respondent-wife is running a boutique under the name and style of Parinaz Boutique at Urban Estate, Phase-II, Jalandhar and is earning Rs. 50,000/-.

5. The printout of the facebook relied upon by learned counsel for the petitioner relates to the year 2012. It is also the case of the respondent-wife that she was running the said boutique only up to May 2013. There is no material on record to show that she was running the said boutique even thereafter. Mere this fact that at one point of time, the respondent-wife was earning is no ground to decline the maintenance *pendente lite*. Similarly, this fact that the respondent-wife is capable of earning is also no ground to decline her the maintenance *pendente lite*. The maintenance *pendente lite* can only be denied under Section 24 of the Act, if the respondent-wife had sufficient income to maintain herself. But, the petitioner has not been able to show that respondent-wife has sufficient income to maintain herself.

6. There is no denial to the fact that the petitioner-husband is a businessman having handsome income. The copy of the income tax returns for the assessment year 2014-15 and 2015-16 brought on record shows that he had gross salary of more than Rs. 6 lacs. It is settled principle of law that the wife is also entitled to the same standard of living as being enjoyed by the husband. So, I do not find any illegality committed by the learned trial Court granting maintenance

pendente lite to the respondent-wife at the rate of Rs.18,000/- per month from the date of the application.

7. No doubt, the learned trial Court has mentioned that there was nothing on record to show that applicant-wife has any suitable source of income to maintain herself and her child. Learned counsel for the petitioner has contended that the dependency of the child was also taken into consideration by the learned trial Court while granting the maintenance *pendente lite*. Whereas, a separate application under Section 26 of the Act has been filed for grant of maintenance *pendente lite* for the child. The petitioner can well bring this fact to the notice of the learned trial Court at the time of addressing the arguments on the application under Section 26 of the Act. But, that is not a ground to find any fault with the impugned order.

8. Thus, keeping in view my aforesaid discussion, I do not find any illegality in the well reasoned impugned order passed by the learned trial Court, which does not call for any interference by this Court.

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

20.05.2016

S.khan

**(DARSHAN SINGH)
JUDGE**