

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.2298 of 2016 (O&M)

Date of decision: March 30, 2017

Seema

...Petitioner

Versus

Rajat

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J.

Instant revision petition has been preferred under Article 227 of the Constitution of India, aggrieved against the order dated 25th February, 2016 for its modification, whereby while disposing of an application under Section 24 of the Hindu Marriage Act, 1955 as amended upto date (for short 'Act'), has been disposed of by awarding maintenance *pendente lite* @ Rs.1,000/- per month and litigation expenses to the tune of Rs.2,000/- only and for the enhancement thereof.

While assailing the impugned order dated 25th February, 2016 passed by Additional District Judge, Karnal, it has been submitted by learned counsel for the petitioner that the Courts below has failed to appreciate that the petitioner is not having any independent source of income to survive herself as well as her minor child namely, Mandeep for day-to-day expenses and is facing hardship and she is at the mercy of her parents. On the other hand, the respondent/husband owns agricultural land and is also engaged in the business of transport. He owns six different vehicles and is plying the same on hire basis. Besides this, he is also

running Blue Dot Courier service and is earning more than Rs.1,00,000/- per month. Learned counsel for the petitioner further contends that the respondent has filed the divorce petition under Section 13 of the Act in District Court, Karnal just to cause harassment to the petitioner by levelling false allegations. The grant of maintenance to the tune of Rs.1,000/- per month and litigation expenses to the tune of Rs.2,000/- is nothing but just an eye-wash. It is difficult to meet the day-to-day needs in a sum of Rs.1,000/- that too for a month. Thus, the maintenance allowance deserves to be enhanced by way of modification of the impugned order.

This Court has given a deep thought to the submissions made by learned counsel for the petitioners but does not find any legal and factual force therein.

Undisputably, the petitioner is the legally wedded wife of the respondent though it is alleged that he owns agricultural land and is also engaged in the business of transport having six vehicles and further running Blue Dot Courier service but no document has been seen in the light of the day. Neither any copy of *jamabandi* showing the ownership of any Tehsil of the land has been placed on record nor any registration certificate showing the registration of the vehicles in the name of the petitioner has been placed on record. Similarly, there is no evidence brought on record to *prima facie* establish that the respondent is running Blue Dot Courier service. Mere allegations are not suffice.

Considering the fact that the respondent is able bodied person and has the legal and moral duty to maintain his wife, the maintenance *pendente lite* is enhanced to Rs.2,000/- from a sum of Rs.1,000/- per month

and litigation expenses to Rs.5,000/- from Rs.2,000/-. Accordingly, instant revision petition stands allowed partly with no order as to costs.

This order shall be operated from the date of filing the application under Section 24 of the Act and the amount, if any, already paid in pursuance of the impugned order, shall be adjusted.

March 30, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No