

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR No. 2887 of 2017(O&M)

Date of decision :05.07.2017

Harjit Singh

.....Petitioner

Versus

Gurwinder Kaur

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present petition has been preferred under Article 227 of the Constitution of India against the order dated 14.02.2017 passed by the learned Additional District Judge, Gurdaspur, vide which the respondent-wife has been awarded the maintenance *pendente lite* at the rate of ₹ 4000/- per month from the date of filing the application. He has also been directed to pay a sum of ₹ 5500/- as litigation expenses.

2. Petitioner-husband has filed the petition under Section 13 of the Hindu Marriage Act, 1955 (for short-'Act') for dissolution of the marriage by decree of divorce. During the pendency of the petition, respondent-wife filed the application under Section 24 of the Act for grant of maintenance *pendente lite* and litigation expenses alleging therein that the petitioner-husband is an able bodied person. He is serving as a driver in Punjab Roadways, Hoshiarpur and getting more than ₹ 40,000/- per month as salary. His income from all sources is ₹ 60,000/- per month. He has wilfully neglected the respondent-wife. The petitioner is duty bound to maintain the respondent-wife. She has prayed for grant of maintenance *pendente lite* at the rate of ₹ 15,000/- per month from the date of filing the

application and ₹ 30,000/- as litigation expenses.

3. The said application was contested by the present petitioner. He denied his income as pleaded by the respondent-wife and further pleaded that in-fact the salary of the petitioner is about ₹ 8000/- per month. He has to maintain himself, his two minor sons and 83 years old bed ridden father. He also pleaded that respondent-wife is matriculate. She is skilled in tailoring, embroidery and knitting. She is doing work of beauty parlour and is earning ₹ 30,000/- per month.

4. Learned Additional District Judge, Gurdaspur allowed the application filed by the respondent-wife vide impugned order dated 14.02.2017 and awarded the maintenance *pendente lite* at the rate of ₹ 4000/- per month to the respondent-wife from the date of filing the application. ₹ 5500/- were awarded towards litigation expenses.

4. Aggrieved with the aforesaid order, the present petition has been preferred.

5. Initiating the arguments, learned counsel for the petitioner contended that the petitioner is working as a driver with Punjab Roadways on contract basis. His salary is only ₹ 8000/- per month. He has to maintain two minor sons and old father. He further contended that respondent-wife has independent source of income. She is matriculate. She knows tailoring, embroidery and knitting and is earning more than ₹ 30,000/- per month. She is able to maintain herself. So, she is not entitled for grant of any maintenance.

6. I have duly considered the aforesaid contentions.

7. This fact is not disputed that respondent is the legally wedded wife of the petitioner. It is alleged by the petitioner in the reply that the

respondent-wife is a matriculate. She knows tailoring, embroidery and knitting and is earning more than ₹ 30,000/- per month. But, no material to support these allegations have been brought on record. Thus, there is nothing to conclude that the respondent-wife has any independent source of income to maintain herself.

8. This fact is not disputed that petitioner-husband is working as a driver with Punjab Roadways. Learned counsel for the petitioner has contended that he is working only on contract basis and his salary is ₹ 8000/- per month. But, the petitioner has not brought on record his salary certificate to substantiate his plea. The petitioner has also not brought on record any material to show that he is working as a driver with Punjab Roadways only on contract basis. So, the petitioner has withheld the material documents with respect to his salary and status. Thus, there is no escape to presume that his salary will be much more than pleaded by him.

9. The learned trial Court has awarded the maintenance *pendente lite* only at the rate of ₹ 4000/- per month from the date of filing the application and ₹ 5500/- as litigation expenses, which cannot be stated to be excessive or on higher side.

10. Consequently, the impugned order does not suffers from any illegality or legal infirmity which can warrant any interference by this Court.

11. Resultantly, the present revision petition having no merits, is hereby dismissed.

(DARSHAN SINGH)
JUDGE

05.07.2017

S.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No