

Civil Revision No.3603 of 2016

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

Sr. No.104

**Civil Revision No.3603 of 2016
DECIDED ON: February 06, 2017**

SHILPA SHARMA

..PETITIONER

VERSUS

VISHWADEEP BHARDWAJ

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjay Vij, Advocate,
for the petitioner.

JASPAL SINGH, J.

Through the instant revision petition preferred under Article 227 of the Constitution of India, petitioner has sought the setting aside of order dated February 25, 2016 (Annexure P-1) passed by learned District Judge, Family Court, Gurgaon, whereby an application preferred under Section 24 of the Hindu Marriage Act (for short 'Act') seeking maintenance pendente lite and litigation expenses has been dismissed.

2. While assailing the impugned order dated February 25, 2016, it has been argued with vehemence by the learned counsel for the petitioner that the same is absolutely contrary to law and particularly the provisions

contained in Section 24 of the Act. The marriage of the petitioner was solemnized on December 08, 2013. After the marriage, the parties lived together for a short span of period, during which their relations became strained. Thereafter, the respondent-husband preferred a petition for dissolution of marriage by decree of divorce on April 03, 2015 by concocting false and frivolous grounds. The petitioner was compelled by the respondent to leave Dubai on February 07, 2015 and after her arrival in India, she is living at the mercy of her parents. She has no source to earn her livelihood being without job, whereas the respondent-husband is working as a Sales Engineer with M/s Bhatia Brothers L.L.C., Dubai and is earning handsome salary to tune of ₹9900 Dirhams i.e. equal to Indian currency approximately ₹1,68,000/- per month. The learned trial court has fell in error while declining the maintenance pendente lite and litigation expenses just on the ground that while staying in Dubai with her husband, the petitioner was employed and has been earning about ₹3500/- AED (Dirhams) i.e. equal to Indian currency approximately ₹95,000/- per month. The mere fact that both the parties to the petition are equally well qualified is itself no ground to decline the maintenance pendente lite, especially in the circumstances that the petitioner-wife is not in employment.

3. This court has given a thoughtful consideration to the aforesaid contentions, but find the same to be without any legal or factual weight.

4. Admittedly, the marriage of the parties to the instant lis was solemnized on December 08, 2013 and they left for Dubai in order to settle there. Both are well qualified. However, due to certain reasons, they could not pull on their matrimonial life, as a result of which, the petitioner-wife

returned back to India. No doubt, the respondent-husband has been earning to the tune of ₹9900 Dirhams i.e. equal to Indian currency approximately ₹1,68,000/- per month and at the same time, petitioner-wife was also offered a job in Dubai and as per the copy of an offer letter, she was to be paid Rs.3500/- AED (Dirhams) inclusive of house rent and special allowance, which works out to the tune of ₹95,000/- approximately in Indian currency. She did not accept the said offer and returned back to India. Moreover, it was only thereafter she claimed that she has no source of income for her livelihood and moved an application under Section 24 of the Act. The petitioner-wife is a well qualified but appears to have declined the offer so that she could claim maintenance from the respondent-husband.

5. Here it would also be pertinent to mention that the divorce petition filed by the respondent-husband has already been withdrawn by him. Thus, in the facts and circumstances of the case, this court does not find any illegality or infirmity in the impugned order dated February 25, 2016.

6. In the light of what has been discussed above, instant petition stands dismissed.

February 06, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No