

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

CR No. 3802 of 2017(O&M)

Date of decision: 17.8.2017

Sanjeev Kumar

....Petitioner

VERSUS

Sunita Rani

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.

REKHA MITTAL, J.

The present petition directs challenge against order dated 01.05.2017 passed by the District Judge, Family Court, Barnala whereby interim maintenance at the rate of Rs.3,000/- per month and litigation expenses have been awarded in favour of the respondents.

The petitioner has filed a petition under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') and the respondent-wife filed an application under Section 24 of the Act for grant of pendente lite maintenance that came to be disposed of by the Court below vide order impugned whereby the respondent has been allowed maintenance at the rate of Rs.3,000/- per month and litigation expenses of Rs.5,000/-. It has also been directed by the Court that an amount of Rs.1 lakh received by the respondent from the petitioner in the earlier petition filed under Section 13-B of the Act which did not fructify in a decree of divorce is liable to be adjusted towards maintenance payable w.e.f. 08.03.2017.

Counsel for the petitioner would urge that the trial Court failed to take into consideration that the respondent along with Kiran Rani,

Binti Rani and Saroj Rani sold property vide sale deed dated 17.06.2013 for a sale consideration of Rs.18,18,000/-. The respondent had withdrawn an amount of Rs.10 lakhs from her account with State Bank of India, Handiaya, sufficient to show that she has sufficient means to maintain herself.

I have heard counsel for the petitioner, perused the paper-book particularly the order impugned.

It is undisputed position of the case that the respondent-wife has been awarded maintenance pendente lite at the rate of Rs.3,000/- per month and the application under Section 24 of the Act was filed on 08.03.2017 and amount of Rs.1 lakh received by the respondent in the earlier litigation under Section 13-B of the Act is held to be amenable to deduction/adjustment qua maintenance awarded to the respondent. Meaning thereby that the respondent-wife shall not be entitled to claim any maintenance for a period of approximately 33 months. Under the circumstances, without examining the correctness or otherwise of the impugned order, the present petition stands disposed of but without prejudice to rights of the petitioner to file a petition before this Court in case the proceedings for divorce remain pending even after expiry of the period of 33 months or till adjustment of Rs.1 lakh qua maintenance allowed to the respondent.

Disposed of accordingly.

AUGUST 17, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no