

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

**CIVIL REVISION No. 3863 of 2017
DECIDED ON: MAY 26, 2017**

CHANDER BHAN

.....PETITIONER

VERSUS

PARKKASHO

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Kharb, Advocate
for the petitioner.

JASPAL SINGH, J

By virtue of instant revision preferred under Article 227 of the Constitution of India, petitioner has sought the setting aside of order dated March 28, 2017 (Annexure P-7) passed by learned learned Additional District Judge, Panipat vide which petitioner has been directed to pay a sum of ₹4,000/- per month as maintenance pendente lite from the date of application and further to pay a sum of ₹8,000/- towards litigation expenses.

2. The contention of learned counsel for the petitioner is that the marriage between the petitioner and respondent was solemnized on June 06, 1982 and they lived peacefully till July 1998. The respondent-wife visited her parental home at Panipat on the festival of Rakhi/Raksha Bandhan but did not return despite the request made by the petitioner, Panchayat and respectables of the

society. Thus, petitioner preferred a petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'Act) for restitution of conjugal rights but the respondent refused to join his company. After the institution of afore-said petition, respondent got lodged two FIRs against the petitioner and his family members being under the influence of his brother Madan Lal, who is a Inspector in Haryana Police. In one case acquittal was ordered whereas, in the second case. Though, he was convicted and released on probation by learned trial Court but acquitted by Appellate Court. Respondent-wife has also filed two separate petitions under Section 125 Cr.P.C., which were subsequently, dismissed in default. In fact, the respondent-wife is harassing and harming the petitioner knowingly and intentionally under one pretext or another since July 1998. He has been suffering a great mental agony, physical harassment, economic loss and mental torture since the respondent has left his company in the year 1998. When the respondent did not join the company of the petitioner, finding no other option filed a petition under Section 13 of the Act for dissolution of marriage by way of decree of divorce on October 01, 2016. During pendency of the afore-said petition, respondent filed an application under Section 24 of the Act for the grant of maintenance pendent lite and litigation expenses, which has been disposed of by learned trial Court vide impugned order dated March 28, 2017.

3. In fact, petitioner is having no assets of any kind. He is Central BPL family card holder having no regular source of income whereas, respondent is earning more than ₹15,000/- p.m. by doing the job of tailoring. Besides, it some portion of the house constructed by the petitioner, has also been rented out by her @ ₹5,000/- p .m. Thus, grant of maintenance pendent lite @ ₹4,000/- as

well as litigation expenses to the tune of ₹8,000/- is highly excessive and exorbitant which is beyond the financial capacity of the petitioner to pay.

4. This Court has given an anxious thought to the afore-said submissions made by learned counsel for the petitioner but find the same to be without any legal and factual substance.

5. Undisputably, respondent is a legally wedded wife of petitioner. Though, learned counsel for the petitioner has contended that his wife is getting rent to the tune of ₹5,000/- p.m. from the house got constructed by him, besides, earning ₹6,000/- p.m. from sewing and tailoring but no material has been brought forward by the petitioner to prove this contention. Similarly, though the respondent-wife has alleged that petitioner is having moveable or immovable property and is working as Carpenter and is earning more than ₹25,000/- p.m. yet she also could not place on record any material to fortify the above-said contention. However, petitioner being the husband of respondent is legally and morally duty bound to maintain her. Petitioner is an able bodied person and obliged him to maintain his wife, who has no source of income to earn her livelihood.

6. Learned trial Court while assessing the income of the petitioner has taken the shelter of minimum wages prevalent in the State of Haryana as well as notification dated April 05, 2016 while awarding the maintenance pendente lite as well as litigation expenses. In the facts and circumstances of the case, grant of maintenance pendente lite @ ₹4,000/- as well as litigation expenses to the tune of ₹8,000/- cannot be said to be either excessive or exorbitant or on higher side.

Moreover, the price of each and every commodities of daily use is touching the

sky.

7. Thus, finding no infirmity or illegality in the impugned order, the same is upheld and the instant revision being devoid of merits, is dismissed.

8. No order as to cost.

JASPAL SINGH
JUDGE

MAY 26, 2017
sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>