

HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.4474 of 2016

Date of decision:24.7.2017

Anand Parshad

...Petitioner

Versus

Shashi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Nipun Vashist, Advocate for the petitioner.
Mr.Vishal Yadav, Advocate for respondent No.1.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 17.5.2016 passed by the learned matrimonial court, whereby application of the respondent-wife moved under Section 24 of the Hindu Marriage Act for maintenance *pendente lite* was allowed, petitioner has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the petitioner-husband is drawing pension at the rate of Rs.12,000/- per month. It is his own pleaded case. He has got no other liability. The learned matrimonial court, vide its impugned order dated 17.5.2016, has awarded an amount of Rs.6,000/- per month as maintenance *pendente lite* in favour of the

respondent-wife, which has not been found on higher side. Having said that, this Court feels no hesitation to conclude that the learned matrimonial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

In these days of sky rocketing prices, respondent-wife cannot be expected to maintain herself with an amount not less than Rs.6,000/- per month. It goes without saying that the petitioner-husband is responsible for maintaining his wife even during the pendency of his divorce petition. The grounds taken by the husband in the divorce petition would not be determining factors for deciding the application of the wife under Section 24 of the HM Act for granting maintenance *pendente lite*. Under these undisputed facts and circumstances of the case, it can be safely concluded that the learned matrimonial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order is supported by sound reasons, because of which no fault can be found with it and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly

misconceived, bereft of merit and without any substance, thus, it must fail.

No case for interference has been made out.

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

24.7.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No