

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6366 of 2015 (O&M)

Date of Order: 04.09.2017

Bhavna Jain

..Petitioner

Versus

Gaurav Jain

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.D.Bansal, Advocate
for the petitioner.

Mr. Aman Pal, Advocate,
for the respondent.

ANIL KSHETARPAL, J (Oral)

Wife is in revision petition against dismissal of application filed under Section 24 of the Hindu Marriage Act, 1955, for grant of maintenance pendente lite.

Learned trial Court dismissed the application on the ground that the wife is already getting interim maintenance @ Rs.12500/- per month in the proceedings under Section 125 Cr.P.C.

Parties were married on 02.12.2007. A child was born out of the wedlock of the parties on 13.09.2008. The husband was working as Marine Engineer at the time of marriage. He claims that he had to leave the job because of FIR registered by the wife. However, it is admitted that after acquittal, the husband has already been re-employed from 2015.

From the pleadings of the parties, it appears that the parties belong to affluent family. It is also admitted fact that at one stage in the proceeding under Section 125 Cr.P.C., maintenance pendente lite was fixed

@ Rs.25000/- per month. It is admitted that the husband now is re-employed, although, on a lower post, than what he was holding when he left his job.

Keeping into consideration the facts, the wife is also maintaining a child who was born in the year 2008, this Court consider it just and appropriate to award maintenance @ Rs.25,000/- per month from the date of application. The payment of maintenance, if any, made under Section 125 Cr.P.C., would be liable to be adjusted.

Revision petition is accordingly dismissed.

September 04, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No