

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6678 of 2015

Date of Decision : 9.08.2017.

Anil Kumar

.....Petitioner

Versus

Suman Rani

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Ramender Chauhan, Advocate for the petitioner.

Mr. D.C. Dhaula, Advocate for the respondent.

ARUN PALLI, J. (Oral)

Husband is in revision against the order, dated 6.5.2015, rendered by the District Judge (Family Court), Bhiwani, vide which, the respondent-wife was awarded maintenance *pendente lite* at ₹3,500/- per month and a sum of ₹5,500/- were awarded as litigation expenses.

Respondent-wife had filed a petition for dissolution of marriage on the ground of cruelty. She claimed a sum of ₹15,000/- per month by way of maintenance *pendente lite* under Section 24 of Hindu Marriage Act, 1955 and ₹20,000/- as litigation expenses. The positive case set out by her is that she does not own or possess any property nor had any independent source of income. And, although, she with her three minor children was residing in the same house as the petitioner, but they were not on talking terms with him. Further, the petitioner-husband was employed in a private company at

Dhigawa Mandi and was drawing a sum of ₹30,000/- per month as salary.

In reply to the application moved by the respondent-wife, the petitioner maintained that all the three children were school going and were living with him. Whereas, the respondent-wife was living separately on her own volition. He denied that he was earning a sum of ₹30,000/- per month.

Nothing was brought on record by the petitioner to show that the respondent-wife indeed owned or possessed any movable or immovable property. No credible material was brought on record either to show that she had any independent source of income or was engaged any profitable avocation. And this was the case of the petitioner himself that she was living separately and not with the petitioner in her matrimonial home. Whereas the petitioner-husband was alleged to have been drawing ₹30,000/- per month. Not just that, in the grounds of revision, it is his own case that he was employed in a private company on a responsible position. Needless to assert the petitioner-husband was/is under a legal and moral obligation to maintain his wife, who apparently had no means to support herself. Thus, on a consideration of the matter the learned District Judge (Family Court) deemed just and appropriate to award ₹3,500/- per month to the respondent-wife by way of maintenance *pendente lite* to meet her daily expenses. On being pointedly asked, learned counsel for the petitioner could not show as to how the conclusion arrived at by the District Judge is either contrary to the record or suffered from any material illegality.

That being so, the only and the inevitable conclusion that could be reached is that the petition is wholly devoid of merit is accordingly dismissed.

09.08.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No