

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

254

CR-7113-2016

Date of Decision: 02.05.2017

Suman Rani

.....Petitioner

Versus

Sroop Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Ms.Bhawna Jhorar, Advocate,
for the petitioner.**

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned order dated 23.05.2016 passed by the learned matrimonial Court, whereby an amount of ₹4,000/- per month was awarded as maintenance pendente lite and ₹7,000/- as litigation expenses to the wife under Section 24 of the Hindu Marriage Act, 1955 (for short "the Act") during the pendency of divorce petition filed by the respondent-husband, petitioner-wife has approached this Court by way of present revision petition filed under Article 227 of the Constitution of India for enhancing the monthly amount of maintenance.

Notice of motion was issued.

As per office report dated 21.02.2017, service was duly effected on the respondent. However, when nobody put appearance on 22.2.2017 another opportunity was granted to the respondent adjourning the case for today. Similar is the position today. Neither anybody has come present on behalf of the respondent to oppose the present revision petition, nor any request for pass over has been made.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that the

respondent by moving an application under Section 24 of the Act during the pendency of divorce petition filed by the respondent-husband. Learned counsel for the petitioner submits that there are two children out of this wedlock. By now both the children have attained majority and both are living with their mother-petitioner herein.

Respondent is a big land-owner. He is the owner of land measuring more than 100 acres in two States i.e. Rajasthan and Punjab. Reliance is placed on the jamabandies as Annexure P-5(colly.). Different account Nos. of the land put together, respondent has been shown to be the owner of 49 acres of land. Three account Nos. are 94 at page 33, 98 at page 34 and account No.114 at page 36 of the paper-book. It is also pertinent to note here that the land owned by the respondent is situated in District Hanumangarh, Rajasthan and it is canal irrigated.

Under these undisputed facts and circumstances of the case, the amount of maintenance awarded by the learned matrimonial Court to the petitioner has been found at very lower side, particularly when the respondent-husband is all alone, whereas petitioner-wife is bringing up both the children. Since the present revision petition has gone uncontested and there is no material available on record, nothing can be presumed on behalf of the respondent-husband to the effect that the petitioner-wife was having any other independent source of income.

Having said that, this Court feels no hesitation to conclude that since the learned matrimonial Court failed to consider the above-said prima facie evidence, showing the source of handsome income of the respondent-husband, the impugned order cannot be sustained. Keeping in view the totality of facts and circumstances of the case, proceeding on a holistic and

pragmatic approach, with a view to do complete and substantial justice between the parties, this Court is of the considered view that the impugned order deserves to be modified enhancing the amount of maintenance.

Keeping in view the quality and quantity of land owned by the respondent-husband, it would meet ends of justice if the amount of monthly maintenance is ordered to be increased from ₹4,000/- per month to ₹20,000/- per month. It is so said because respondent-husband has no other responsibility or financial liability because nothing has been pointed out before this Court in this regard. On the other hand, as noticed here-in-above, petitioner-wife is bringing up both the children.

It also goes without saying that the amount of maintenance @ ₹20,000/- per month shall be paid by the respondent-husband from the date of application moved by the petitioner-wife under Section 24 of the Act. It is also made clear that instant order shall remain in operation till the divorce petition filed by the respondent-husband is decided by the learned matrimonial Court.

Consequently, learned matrimonial Court is directed to ensure that the respondent-husband pays the total amount of maintenance, including the arrears, to the petitioner-wife without any further loss of time so that she can maintain herself as well as both the children.

Resultantly, with the above-said observations made and directions issued, instant revision petition stands allowed, however, with no order as to costs.

May 02, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE