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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7552 of 2017

Date of Decision : 02.11.2017

SANJU RANI

....PETITIONER

VERSUS

ANIL KUMAR RATHEE

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Pardeep Singh Poonia, Advocate
for the petitioner.

B.S. WALIA, JUDGE (ORAL)

[1] After arguing for sometime, learned counsel for the petitioner prays for permission to withdraw the application under Section 24 of the Hindu Marriage Act, 1955 with liberty to file a fresh application with better particulars.

[2] Application was filed by the petitioner seeking enhancement of maintenance *pendente lite* from Rs.17,000/- to Rs.75,000/- per month plus litigation expenses of Rs.20,000/- as also directions to the respondent to make the payment of the same at the earliest on the ground that she had no source of income to maintain herself and her minor daughter as well as to meet litigation expenses. The same was dismissed by the learned District Judge, Jhajjar vide order dated 03.08.2017 by taking into account that vide order dated 03.10.2016, earlier application moved by the petitioner had been disposed of by the learned Additional

District Judge, Jhajjar, by directing the respondent-husband to pay litigation expenses of Rs.20,000/- to the petitioner. The said order was passed by taking into account order dated 14.08.2015 passed under Section 31 of The Navy Act, 1957 whereunder the petitioner-wife and her minor daughter had been allowed maintenance of Rs.17,000/- per month. However, liberty was granted by the learned Additional District Judge, Jhajjar to the petitioner to file an application with specific averments for seeking enhancement of maintenance allowance.

[3]. The learned District Judge, Jhajjar while passing the impugned order also took into account that the petitioner-wife had neither challenged order dated 03.10.2016, passed by the learned Additional District Judge, Jhajjar nor had set out any specific averments in the application entitling her to enhancement of maintenance. Accordingly, while recording that as per pay slip produced by the respondent husband, a sum of Rs. 17,000/- was being deducted from his salary under the Head '*FMLY MNT*', the learned District Judge, Jhajjar dismissed the application by observing that no fresh circumstances had been set out by the petitioner entitling her to enhancement of maintenance *pendente lite*.

[4]. Learned counsel contends that there were a number of grounds for enhancement of the maintenance, but inadvertently the same had not been set out in the application. Learned counsel prays for permission to withdraw the application for enhancement of maintenance with liberty to file a fresh one with better particulars before the learned District Judge, Jhajjar.

[5]. I have heard learned counsel for the petitioner and am of the considered view that in the absence of specific averments having been made in the subsequent application entitling the petitioner to seek enhancement of maintenance pendente lite, the impugned order is immune from challenge. However, it would always be open to the petitioner to move a fresh application before the learned District Judge, Jhajjar for seeking enhancement of maintenance on showing change in circumstances as it is always open to an aggrieved party to seek variation in the maintenance awarded by setting out change in circumstances warranting variation.

[6]. Accordingly, revision petition is dismissed in the light of the observations as made above.

(B.S. WALIA)
JUDGE

November 02, 2017

rajneesh

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No