

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

CR No.7983 of 2017(O&M)

Date of decision: 15.11.2017

Amandeep Kaur

.....Petitioner

VERSUS

Manpreet Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. K.S. Brar, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 13.09.2017 (Annexure P-1) passed by the Civil Judge (Junior Division), Bathinda whereby application filed by the petitioner under Section 24 of the Hindu Marriage Act, 1955 (in short 'the Act') for grant of maintenance pendente lite and litigation expenses has been dismissed.

The respondent-husband has filed a petition under Section 9 of the Act for restitution of conjugal rights wherein the petitioner- wife filed the application under Section 24 of the Act praying for interim maintenance and litigation expenses. Counsel for the petitioner has submitted that though the petitioner is working as a Constable in Punjab Police and drawing salary of Rs.37,000/- per month but as the respondent-husband is earning Rs.50,000/- by doing job as a Teacher and tuition work, the petitioner is entitled to get maintenance.

Another submission made by counsel is that father of the respondent is doing job in Fire Brigade, earning Rs.45,000/- per month and his brother is doing job in Police Department. It is further argued that as

the petitioner-wife is entitled to enjoy the same amenities of life as she would have had she been residing with the husband, she is entitled to get interim maintenance.

I have heard counsel for the petitioner, perused the paper-book particularly the order impugned but find that the petition is devoid of merit and deserves to be rejected.

The petitioner is admittedly working as a Constable in Punjab Police at a salary of Rs.37,000/- per month. There is nothing on record suggestive of the fact that she has any other obligation except to maintain herself. There is no child out of the wedlock. The trial Court has noted that petitioner has failed to substantiate her plea that the respondent-husband is earning Rs.50,000/- per month. Counsel for the petitioner would inform that the respondent-husband has filed an application under Section 24 of the Act for claiming maintenance from the petitioner. It appears to the Court that the present petition has been filed by the petitioner with an intent that she may not be burdened with maintenance payable to the husband. However, there is no apparent error in the order impugned as would call for intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

NOVEMBER 15, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no