

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

CR-8027-2017 (O&M)
Date of decision: 16.11.2017

SUNIL KUMAR

...Petitioner

Versus

RAJNI BALA

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rapton, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 13.09.2017 (Annexure P4) passed by the Additional District Judge, Bathinda whereby maintenance pendente lite @ Rs.4000/- per month from the date of application and Rs.5000/- as litigation expenses has been allowed under Section 24 of the Hindu Marriage Act, 1955 (in short 'the Act'), in pending petition under Section 13 of the Act filed by the petitioner.

Counsel for the petitioner has submitted that the petitioner-husband has sought divorce by raising allegation that the respondent-wife is living in adultery and the alleged adulterer has also been impleaded as respondent No.2 in the petition under Section 13 of the Act, therefore, the respondent-wife is not entitled to get maintenance. The second submission made by counsel is that the respondent is working in a private school and taking tuition classes thereby earning Rs.15,000/- per month, sufficient for

maintaining herself. The plea of the respondent that the petitioner is running a sanitary shop and working as property dealer, thus earning Rs.20 lakh per annum is not found correct by the Court below but still the Court has allowed maintenance @ Rs.4000/- per month.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

Counsel for the petitioner has fairly informed that there is no material on record to prima facie establish plea of the petitioner that the respondent-wife is gainfully employed much less earning Rs.15,000/- per month. The plea with regard to the respondent-wife living in adultery is a question of evidence yet to be adduced by the parties. The trial Court has awarded maintenance @ Rs.4000/- per month which may not suffice to meet day to day needs of the respondent what to talk of providing her with comforts and luxuries, when otherwise in law the husband has an obligation to provide adequate maintenance to his wife. In this view of the matter, I do not find any error much less illegality in the impugned order warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated hereinbefore shall be construed as an expression of opinion on merits of the case.

16.11.2017

ashok

Whether speaking/reasoned:

Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No

Yes / No