

In the High Court of Punjab and Haryana at Chandigarh

CR No. 8505 of 2017
Date of Decision: 20.12.2017

Dushyant Bakshi

---Petitioner

versus

Shweta

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Arvinder Arora, Advocate
for the petitioner

Rekha Mittal, J.

Challenge in the present petition has been directed against order dated 28.9.2017 (Annexure P-4) passed by the Additional District Judge, Jagadhri whereby maintenance pendente lite @ Rs. 25000/- per month and litigation expenses to the tune of Rs.6600/- has been awarded under Section 24 of the Hindu Marriage Act, 1955 (in short "HMA") in a petition under Section 9 of the HMA.

Counsel for the petitioner has submitted that maintenance assessed is on higher side and liable to be reduced. To substantiate his contention, it is argued that the petitioner has the responsibility to look after his aged parents. It is further submitted that carry home salary of the petitioner is Rs. 61,892/- per month. In addition, it is argued that the petitioner has to incur expenses on his travel etc. for frequent visits to attend the proceedings pending at Yamuna Nagar as he is Major in army

and posted at Assam.

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

Before adverting to the submissions made by counsel, it is pertinent to recapitulate the settled position in law that the wife is entitled to enjoy the same amenities of life which she would have been, has she been residing with the husband. It is not disputed that out of wedlock of the parties, a child was born on 9.10.2015, being looked after by the respondent-wife.

Counsel for the petitioner has produced copy of statement of account for September 2017. Perusal thereof would reveal that total salary of the petitioner was Rs. 90,112/- out of which there is statutory deduction of income tax and education cess to the tune of Rs. 8000/- per month. Under the circumstances, income of Rs. 82,000/- is to be considered for assessing maintenance payable to the respondent.

The petitioner, in reply to the application under Section 24 of the HMA has stated that his parents and an unmarried and blind uncle are financially dependent upon him. However, he has not explained as to why his parents and uncle are financially dependent upon him much less detailing movable and immovable assets owned by them. It appears that a vague plea in this regard has been raised by the petitioner to escape his liability to pay adequate maintenance to his estranged wife and minor child. Taking into consideration financial status of the petitioner when examined in the light of discussion made hereinbefore, I find myself unable to accept contention of the petitioner that maintenance pendente lite determined by the court below is on higher side and liable to be reduced. I would hasten to

add that amount of Rs. 25000/- may not suffice to provide for housing, clothing in addition to food to the respondent and the minor child what to talk of providing them with comforts and luxuries.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed in limine. However, nothing stated hereinbefore shall cause prejudice to either of the parties at the time of final adjudication of the case.

(Rekha Mittal)
Judge

20.12.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No