

**CMM-34-2009 and
FAO-M-60-2009 (O&M)**

PARAMJIT KAUR
VS.
RAVINDER SINGH

Present: Ms. Sunita Gupta, Advocate
for Mr. R.V.S. Chugh, Advocate
for the appellant.

Mr. Arjun Veer Sharma, Advocate
for Mr. Naveen Sharma, Advocate
for the respondent.

This appeal has been preferred by the wife against the judgment and decree dated 12.01.2009 granting divorce to the respondent-husband.

During the pendency of the appeal, the appellant-wife has filed an application under Section 24 of the Hindu Marriage Act for grant of maintenance *pendente lite* and litigation expenses averring in the application that no doubt she is employed as Multipurpose Health Worker getting salary in the pay scale of ₹3320/-, whereas the respondent-husband is working as E.T.T. Teacher and is getting pay in the pay scale of ₹4500/- but the applicant is maintaining both the children which is not possible for her.

A perusal of the file indicates that in proceeding under Section 125 Cr.P.C., a sum of ₹2,000/- per month has been granted to the minor children on 09.07.2007 by the Judicial Magistrate Ist Class, Budhlada. Since the maintenance of the children borne out of the wedlock is joint responsibility of both the parents and in the present case, the appellant-wife is shouldering the said responsibility of bringing up the children alone, the

sum of ₹2,000/- per month awarded in the year 2007, appears to be a meagre amount. Irrespective of the individual rights of the minor children to seek maintenance under Section 125 Cr.P.C., we deem it appropriate to take the said circumstance into consideration and grant maintenance *pendente lite* to the appellant-wife to the tune of ₹5,000/- per month to maintain herself as well as the minor children. The sum of ₹2,000/- per month granted to the minor children will be deducted from the said amount. The said amount will be payable with effect from the date of the application i.e. 09.02.2009. Litigation expenses of ₹30,000/- are also assessed payable by the respondent-husband to the appellant-wife.

Application under Section 24 of the Hindu Marriage Act is allowed accordingly.

Adjourned to 21.12.2017.

The entire arrears of maintenance *pendente lite* and litigation expenses as calculated till 30th of November, 2017 will be paid on or before the date fixed.

(M.M.S. BEDI)
JUDGE

September 7th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE