

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**FAO-221-2016 (O&M).
Decided on: August 9, 2017.**

Sonia

.. Appellant

VERSUS

Amit Narang

Respondent

*** * ***

**CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI
HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH**

*** * ***

**PRESENT Mr.Manoj Makkar, Advocate,
for the appellant.**

**Mr.Vikas Dhull, Advocate, for
Mr.Anil Khatkar, Advocate,
for the respondent.**

M.M.S. BEDI, J. (ORAL)

Civil Misc. application No.22758-CII-2016 is allowed.

Photographs Annexure P6, are permitted to be taken on record.

In a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage filed by the respondent-husband, the Family Court, Jind, has awarded interim maintenance of Rs.4,000/- per month to the appellant-wife under Section 24 of the Hindu Marriage Act besides litigation expenses of Rs.5,000/-, taking into consideration the fact that the appellant has no source of income and she along with her two minor children is staying with her parents. The appellant had claimed that the respondent-husband is running a Confectionary shop under the name and style Narang Juice and Confectionary Shop. His rental income was claimed

to be Rs.55,000/- per month. Against the claim of Rs.30,000/- per month for her maintenance as well as maintenance of minor children, a sum of Rs.4,000/- per month has been awarded to enable the appellant to maintain herself as well as minor children during pendency of the petition.

Counsel for the appellant has contended that the amount of interim maintenance awarded to the appellant-wife is inadequate taking into consideration the handsome income earned by the respondent-husband. Counsel for the appellant-wife has referred to the photographs of the shop of husband showing that he is running business in the shop.

We have considered the contention of the learned counsel for the appellant and gone through the impugned order. In the absence of any material on the record pertaining to the quantum of income, the amount of interim maintenance has to be determined on the basis of some reasonable estimation. A sum of Rs.4,000/- in the name of interim maintenance to the appellant-wife to maintain herself appears to be sufficient enough to be received by the appellant-wife only during the pendency of the proceedings but so far as the right of minor children for any maintenance is concerned, the same cannot be curtailed by the impugned order which has been passed under Section 24 of the Hindu Marriage Act. It is observed that the said amount will be held to be meant for exclusive maintenance of the appellant only without prejudice to the rights of the minor children to claim maintenance by availing any other legal remedy available to them. This order will also not affect the rights of the appellant herself to avail any other financial benefit if permitted under law.

We are also of the opinion that litigation expenses awarded to the tune of Rs.5,000/- is on the face of it inadequate. The litigation expenses are assessed as Rs.25,000/-. In case a sum of Rs.5,000/- has already been paid, the appellant-wife would be entitled to the additional amount of Rs.20,000/-.

Anything said in this order as well as in the impugned order will not prejudice the rights of the appellant herself to claim any higher amount in case she is able to establish the actual income of the respondent and her inability to maintain herself and the minor children.

Safeguarding the rights of maintenance of minor children in the above said manner, this petition is disposed of with above observations.

(M.M.S. BEDI)
JUDGE

August 9, 2017.
raj arora

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No