

FAO-M-427-2015 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Decided on: November 10, 2017.

(1)

FAO-M-427-2015 (O&M).

Vishanshu

.. Appellant

VERSUS

Deepika

.. Respondent

*** * ***

(2)

CR-7396-2015 (O&M).

Deepika

.. Petitioner

VERSUS

Vishanshu

.. Respondent

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

*** * ***

PRESENT

**Mr.Nipun Verma, Advocate,
for the appellant-Vishanshu.**

**Mr.Ram Pal Verma, Advocate,
for the respondent Deepika.**

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

This order will dispose of the above noted first appeal as well the civil revision, both arising out of order dated 11.9.2015, passed under Section 24 of the Hindu Marriage Act, in a petition for divorce filed

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by Deepika-wife for dissolution of marriage on the ground of cruelty. Vide impugned order dated 11.9.2015, maintenance pendente lite @ Rs.7,000/- per month has been awarded to the wife.

The grievance of the wife in her civil revision is that sum of Rs.7,000/- per month awarded as maintenance pendente lite is too meagre for survival and she seeks enhancement of the same whereas the husband Vishanshu, in his first appeal has sought the setting aside of the said order on the ground that no opportunity was granted to him to produce on record the salary certificate.

The wife, in her application, under Section 24 of the Hindu Marriage Act, had claimed that husband is earning more than Rs.70,000/- per month without producing any proof of income. The husband has now come up with a certificate issued by the Vaish Senior Secondary School, Charkhi Dadri, Haryana, indicating that husband is employed as a private Teacher and his salary would not exceed Rs.9900/- per month.

Vide interim order dated 28.10.2015, payment of maintenance beyond Rs.5000/- was stayed during pendency of the appeal.

Counsel for the husband informs that the wife has been granted decree of divorce on 31.3.2016. The impugned order dated 11.9.2015, in such circumstances, would have effect only till 31.3.2016. The controversy regarding the amount determined under Section 24 of the Hindu Marriage Act, would determine the right of wife to claim the amount of maintenance pendente lite only for a period of six months after the impugned order as the proceedings under Section 13 of the Hindu Marriage Act, culminated in decree of divorce on 31.3.2016.

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Counsel for the husband submits at bar that as per his information, no appeal has been filed by the husband against the decree of divorce. Since the controversy after passing of the impugned order is only for six months though the order has been made effective w.e.f. the date of the application i.e. April 2015. The maintenance amount beyond Rs.5,000/- had been stayed.

Taking into consideration the fact that the wife is also Post Graduate and is capable of earning and no material had been produced on record before the lower Court regarding the income of husband, we assess that the amount of Rs.5,000/- per month would be sufficient amount as maintenance pendente lite in the application under Section 24 of the Hindu Marriage Act. The order dated 11.9.2015, is modified to the effect that instead of Rs.7,000/- per month, the wife would be entitled to maintenance pendente lite @ Rs.5,000/- per month. However, she would also be entitled to litigation expenses of Rs.20,000/- in addition.

The appeal as well as revision, both are disposed of accordingly.

(M.M.S. BEDI)
JUDGE

November 10, 2017.
raj arora

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No