

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

FAO-M-5-2017

Date of decision : January 13, 2017

Sunil Kumar

...Appellant

VERSUS

Seema

...Respondent

**CORAM: HON'BLE MR. JUSTICE M.JEYAPPAUL
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI**

Present : Mr.Balvinder Singh Brar, Advocate
for the appellant.

M.JEYAPPAUL, J.(ORAL)

Appellant-husband aggrieved by the quantum of maintenance pendente lite at the rate of ₹ 4,000/- per month and litigation expenses of ₹ 8,000/- ordered by the trial Court in application filed under Section 24 of the Hindu Marriage Act has come forward with the present appeal.

Counsel appearing for the appellant submits that the respondent-wife has not produced any document to establish that the appellant is engaged in the business of purchasing and selling of cars. It is his submission that the trial Court has fixed a sum of ₹ 4,000/- per month towards maintenance pendente lite arbitrarily from the date of the application filed by respondent under Section 24 of the Hindu Marriage Act.

We carefully considered the above submission in the light of the order impugned. It is true that the respondent has not produced any document to establish her stand that the appellant is involved in the business

of purchase and sale of cars. Equally, appellant has also failed to establish the counter claim that the respondent is running a beauty parlor shop.

In the absence of any evidence to establish the resources of the parties concerned, the trial Court, having considered the fact that the respondent is also blessed with a child born out of her wedlock with the appellant took judicial notice that an able-bodied person would definitely earn a sizeable amount, ordered to pay a sum of ₹ 4,000/- per month towards maintenance pendente lite and ₹ 8,000/- towards litigation expenses. Even if it is accepted for the sake of arguments that the appellant is not gainfully employed, he is bound to engage himself in some avocation and pay maintenance to the wife and child born out of the wedlock.

In our considered view, the trial Court had rightly decided the quantum of maintenance pendente lite and litigation expenses. We do not find any error in the decision arrived at by the trial Court.

Accordingly, appeal stands dismissed.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

January 13, 2017

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Whether Speaking/Reasoned	Yes
Whether Reportable	No