

CMM-19-2016**IN FAO-M-60-2012****DARA SINGH V/S PARAMJIT KAUR**

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Present: Mr. P.S. Dhaliwal, Advocate
for the applicant/respondent-wife.

Mr. Hitesh Verma, Advocate
for the non-applicant/appellant-husband.

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Heard on the application under Section 24 of the Hindu Marriage Act (hereinafter referred to as 'the Act') filed by the respondent-wife.

It is an admitted fact that the appellant-husband is working as Lance Nayak in the Indian Army. Counsel for the appellant-husband has submitted that in the proceedings under Section 125 Cr.P.C., the husband has agreed to pay a sum of ₹ 6000/- per month to the respondent-wife and minor son born out of the wedlock. It has been urged by the counsel for respondent-wife that the appellant-husband is earning from the agricultural land also, which fact has not been denied by the counsel for the appellant-husband, however, he has submitted that the appellant-husband owns the land measuring 1 kanal and 12 marlas, which is jointly cultivated with the other co-owners.

Be as that it may, we have considered the facts and circumstances of the case and are of the opinion that a sum of ₹ 10,000/- per month with effect from the date of filing the present application i.e. 29.01.2016, would be a reasonable amount as maintenance under Section 24

of the Act, to enable the respondent-wife to have respectable survival. We have also considered the plea of the appellant-husband that he is suffering from cancer but at the same time, offer of the respondent-wife to stay with him has also been taken into consideration and after striking a balance between the circumstances of both sides, a sum of ₹ 10,000/- is, therefore, considered to be a reasonable amount of maintenance to be paid to the appellant-wife.

A sum of ₹ 6000/- (₹ 4000/- for the respondent-wife and ₹ 2000/- for the son) per month has been awarded for maintenance in the proceedings under Section 125 Cr.P.C. by the District Judge (Family Court), Barnala. The amount of ₹ 4000/- per month, which was assessed by the District Judge (Family Court), Barnala, for maintenance of the respondent-wife will be adjusted against the amount determined by this Court.

Application stands allowed accordingly.

To come up on 29.09.2017 for payment of the arrears of maintenance.

(M.M.S. BEDI)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

July 25, 2017
Harish