

**CMM-62-2016 and
FAO-M-278-2015****PARDEEP KUMAR VS. MEENA KUMARI**

Present: Mr. Sudeep Mahajan, Advocate
for the appellant.

Mr. Karan Chaudhary, Advocate
for the respondent.

Aggrieved by the dismissal of his divorce petition, the husband has preferred this appeal.

During pendency of the appeal, an application under Section 24 of the Hindu Marriage Act has been filed by the respondent-wife claiming that the appellant-husband is working in Army but counsel for the appellant-husband informs that after having been discharged from service as Lance Naik in Assam Rifles, he is at present working as a private Security Guard in Jharkhand and is earning only a sum of ₹20,000/- per month. After deduction, the actual amount received is claimed to be ₹17,800/- per month.

On asking of the Court, it has been informed that a sum of ₹2,500/- had been awarded under Section 24 of the Hindu Marriage Act. It has also been informed that an amount ₹6,000/- per month was awarded by the Judicial Magistrate which fact is not known to the counsel for the appellant.

After taking into consideration the facts and circumstances of the case, we are of the opinion that the appellant is a healthy person capable of earning, liable to maintain his wife till divorce is granted. He has admitted his income to the extent of ₹20,000/- but has not disclosed whether any pension has been granted to him or not. Counsel for the appellant, however, submitted

that only a sum of ₹1,25,000/- was given to the appellant has terminal benefits after his 16 years of service.

Without entering into the controversy regarding the actual income of the appellant or his capability to earn on the basis of his experience, we are of the considered opinion that a sum of ₹6,500/- will be a reasonable amount as maintenance *pendente lite* payable from the date of application and a sum of ₹40,000/- as litigation expenses is held to be reasonable amount. A sum of ₹25,000/- if already paid towards litigation expenses will be deductible from the said amount of ₹40,000/-. If any other amount has been paid in proceeding under Section 125 Cr.P.C. by the appellant to his wife, that would be deductible from the arrears of maintenance *pendente lite*. Remaining balance will be paid in the Court along with balance of litigation expenses on 06.12.2017 as calculated till 30th of November, 2017.

We have also considered the contention of learned counsel for the appellant that the appellant is looking after his old parents. We recognise the said obligation but that will not override the rights of applicant-wife under Section 24 of the Hindu Marriage Act.

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

After the amount is paid, the appeal may be taken up for final disposal in the month of December, 2017 itself.

(M.M.S. BEDI)
JUDGE

September 7th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE