

**CMM-58-2016 in
FAO-M-194-2015**

SMT. SEEMA RANI
VS.
DHEERAJ KUMAR

Present: Mr. Rakesh Nehra, Advocate
for the appellant.

Mr. D.K. Tuteja, Advocate
for the respondent.

The claim of appellant-wife under Section 24 of the Hindu Marriage Act has been considered.

Counsel for the respondent has submitted that the respondent-husband was not earning prior to August, 2017. However, the lower Court had granted a sum of ₹2,500/- per month as maintenance *pendente lite* during pendency of the proceedings before the lower Court.

Counsel for the respondent has submitted that the respondent-husband/non-applicant has started earning a sum of ₹6,000/- per month by getting a job of Salesman in Rama Automobiles at Rohtak.

We have considered the facts and circumstances of the case and are of the opinion that the job of the respondent-husband will not carry less than the minimum wages fixed by the State Government which is not less than ₹15,000/- to ₹16,000/- per month.

Without entering into the controversy regarding the exact amount earned by the respondent-husband, we are of the considered opinion that since the applicant-wife had been granted a sum of ₹2,500/- per month

after considering the claim of the husband that he was not earning anything, taking into consideration his capability to earn, it will be prudent in the interest of justice to grant a sum of ₹4,000/- per month as maintenance *pendente lite* to the appellant-wife during pendency of the proceedings. This amount will be payable with effect from the date of the application.

A sum of ₹30,000/- is assessed as litigation expenses. Sum of ₹15,000/-, if paid earlier towards litigation expenses, will be deducted from this amount.

The application is allowed in above terms.

The entire balance of maintenance *pendente lite* calculated till 30th October, 2017 and the litigation expenses will be paid on next date of hearing i.e. 15.11.2017.

(M.M.S. BEDI)
JUDGE

September 7th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE