

CMM-124-2016 IN FAO-M-324-2016

MEHAK @ SILKI V/S AJAY SINGH

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Present: Ms. Kavya Jariyal, Advocate
Mr. B.S.Jaswal, Advocate, for the applicant/appellant.

Mr. Akhilesh Vyas, Advocate
for the non-applicant/respondent.

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Reply to the application under Section 24 of the Hindu Marriage Act has been filed, copy thereof supplied to the counsel for the appellant-wife. This application has been filed by the appellant-wife claiming a sum of ₹ 25,000/- as maintenance *pendente lite* for herself and ₹ 10,000/- for the minor son of the parties.

Non-applicant/husband filed reply claiming that on account of his weakness of eyes, he is a disabled man, incapable of earning. The allegation of the applicant-wife that non-applicant/husband is running a bakery in a posh locality of Amritsar, has been denied. However, it is stated that the said bakery is being run by the father of the non-applicant/husband. The disability certificate has been appended with the reply as Annexure R-1.

We have taken into consideration the abovesaid circumstances and the fact that a sum of ₹ 6,000/- had been awarded as maintenance *pendente lite* by the lower Court for the applicant-wife and ₹ 4,000/- for the minor child in the year 2015. Taking a judicial notice of the escalating prices, we deem it appropriate to enhance the maintenance *pendent lite* for the wife by a sum of ₹ 2,000/- and that of the son by ₹ 1,000/-. The total amount payable by the non-applicant/husband as maintenance *pendente lite* for the applicant-wife is thus fixed at ₹ 13,000/- per month with effect from

the date of application i.e. August, 2016. A sum of ₹ 33,000/- is granted as litigation expenses and ₹ 20,000/- which has already been paid will be adjusted against the said amount.

The application stands allowed accordingly.

Adjourned to 13.02.2018 for payment of arrears of maintenance *pendente lite* as calculated upto 28.02.2018 and the litigation expenses.

At this stage, counsel for the respondent-husband submits that the respondent-husband is ready to amicably resolve the matrimonial dispute by parting company by offering a reasonable amount to the appellant-wife on account of permanent alimony. It has also been brought to the notice of the Court that at one stage, parties were ready to dissolve the marriage and also filed a petition under Section 13-B of the Hindu Marriage Act, but for certain reasons, the decision had been withdrawn by one of the parties.

Let the parties appear before the Mediation and Conciliation Centre of Punjab and Haryana High Court on 12.10.2017 on the fresh proposal by the appellant for exploring the feasibility for acceptance of the proposal by parting company on payment of reasonable amount to the appellant-wife. Report be submitted by the Mediation and Conciliation Centre on or before the next date of hearing.

Meanwhile, the arrears of maintenance and litigation expenses be paid by the respondent-husband to the appellant-wife before the Mediator.

(M.M.S. BEDI)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

September 20, 2017
Harish