228 **FAO-M-307-2016 with**
CMM-182-2016 and
CM-15223-CII-2016

PARVEEN LATA
V/S
SHIV KUMAR

Present: Mr. A.K. Walia, Advocate, for the appellant.

Mr. Suresh Kumar Kaushik, Advocate, for the respondent.

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An application under Section 24 of the Hindu Marriage Act has been filed by the appellant-wife for grant of maintenance pendente lite and maintenance to her two minor children.

After hearing learned counsel for the parties, it transpires that the respondent-husband is working as BAMS doctor with State of Haryana whereas the appellant-wife is also working as a Sanskrit teacher and is capable of maintaining herself.

It has been informed that two minor children born out of the wedlock are staying with the appellant-wife, however, they have been granted a sum of Rs.2500/- each as interim maintenance in proceedings under Section 125 Cr.P.C. It has also been informed that application under Section 24 of the Hindu Marriage Act filed before the trial Court was withdrawn by the appellant as such no amount was determined under Section 24 of the Hindu Marriage Act, to the appellant.

We have considered the facts and circumstances of the case and are of the opinion that up bringing of two minor children is joint responsibility of both the parents irrespective of the fact whether they are earning or not.

Harsha Rani
2017.09.07 13:58
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integrity of this document

Without expression of any opinion regarding the right of the minor children born out of the wedlock for maintenance/interim maintenance, we are of the considered opinion that the appellant having been forced for looking after the children alone, would be entitled to nominal maintenance pendente lite on account of additional responsibilities shouldered by her. A sum of Rs.10,000/- per month for the said additional responsibilities is considered as appropriate maintenance pendente lite to be paid with effect from the date of application. Besides this, a sum of Rs.50,000/- is considered to be reasonable amount as litigation expenses payable to the appellant-wife. The sum of Rs.20,000/- earlier paid in this regard will be adjustable.

The application under Section 24 of the Hindu Marriage Act is allowed in the above terms.

At this stage, counsel for the parties inform that feasibility of any amicable settlement be also explored by referring the matter to the Mediation Centre.

Parties are directed to appear before the Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh on 04.10.2017.

The entire arrears of maintenance along with balance of litigation expenses as determined till 30.09.2017, will be paid to the appellant-wife before the Mediation and Conciliation Centre.

For awaiting report of the Mediation and Conciliation Centre and further hearing of the arguments of merits subject to any order passed by the Mediation Centre, to come up on 23.01.2018.

Harsha Rani
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Nothing said in this order will effect any other proceedings for maintenance filed by the children or the appellant.

(M.M.S. BEDI)
JUDGE

September 05, 2017. **(AUGUSTINE GEORGE MASIH)**
harsha **JUDGE**

Harsha Rani
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