

**CMM-88-2016 in/and
FAO No. 220 of 2016**

Vikas Vats

Vs.

Savita

Present: Mr. S.S.Kharb, Advocate,
for the applicant/respondent.

Mr. Vivek Suri, Advocate,
for the appellant.

CMM-88-2016

Respondent-wife Savita has filed the present application invoking the provisions under Section 24 of the Hindu Marriage Act, 1955, seeking maintenance pendente lite.

It is contended by the respondent-wife that the appellant-husband, who is serving in the Sub-Divisional Court at Pataudi, District Gurgaon, is getting a salary of ₹22,000/- per month. It is also alleged that he has got 2 acres of agricultural land exclusively in his name and 1/3rd share in a digital photo shop at Rohtak. Contending that the respondent-wife does not have the resources to maintain herself, she seeks maintenance pendente lite @ ₹17,000/- per month.

In the reply, the appellant-husband has submitted that he is drawing only a salary of ₹18,000/- per month as Peon at Sub-Divisional Court, Pataudi. He denies the allegation that he has a share in a digital photo shop at Rohtak. It is also submitted that he does not earn any income from the agricultural land, as alleged by the respondent. Contending that the respondent is gainfully employed and working as a Nurse at Shanti Ultrasound Centre, Gohana earning a sum of ₹10,000/- per month, the appellant prays for dismissal of the petition filed by the respondent-wife

We heard the submissions made on either side.

It is an admitted fact that the appellant-husband is serving as a Peon at Sub-Divisional Court at Pataudi. Even as per his own admission, he is drawing a salary of ₹18,000/-. That apart, he has also admitted that he has got some agricultural land but it is denied that it yields any income.

To substantiate the contention of the appellant that the respondent-wife is gainfully employed at Shanti Ultrasound Centre, Gohana, no material was produced by the appellant.

Respondent is entitled to lead a decent life as that of the appellant. Considering the monthly income earned by the appellant and the requirements of the respondent to lead a decent life, we are of the considered view that a sum of ₹7,500/- per month would take care of the maintenance of the respondent. Therefore, the appellant is directed to pay a sum of ₹7,500/- per month inclusive of a sum of ₹5,000/-already awarded under the provisions of the Domestic Violence Act right from the date of the application i.e. 24.05.2016.

Application stands disposed of accordingly.

FAO No. 220 of 2016

List on 06.09.2017.

(M.JEYAPPAUL)
JUDGE

February 02, 2017
pj

(AUGUSTINE GEORGE MASIH)
JUDGE