

**106+220 CM-15629-CII-2017 and
CMM-148-2016 in
FAO-M-229-2013**

**NEELAM
V/S
CHANDER BAHADUR**

Present: Ms. Jaideep Kaur, Advocate, for
Mr. B.S. Jaswal, Advocate, for the appellant.

Mr. Amit Parashar, Advocate,
for the respondent.

CM-15629-CII-2017

Miscellaneous application is allowed.

Reply to the application under Section 24 of the Hindu
Marriage Act, is permitted to be taken on record.

CMM-148-2016

This order will dispose of an application under Section 24 of the Hindu Marriage Act for grant of maintenance pendente lite and litigation expenses filed by the appellant-wife claiming that the respondent is working as Chowkidar in PWD (B&R) and is earning a sum of Rs.20,000/- per month besides having income from agricultural land. The appellant-wife has averred in the application that she does not have any independent source of income and claimed a sum of Rs.12,000/- per month as maintenance pendente lite besides litigation expenses of Rs.35,000/-.

In the reply filed, the non-applicant/husband has levelled allegations that the appellant-applicant is residing alone in the Government accommodation allotted to him. He has also levelled certain allegations of adultery.

We are considered the facts and circumstances of the case.

The appellant-applicant had been granted interim maintenance @ Rs.2,000/- per month by the lower Court.

On asking of the Court, it has been informed that one son and daughter born out of the wedlock, are not being looked after by the appellant-applicant as daughter is already married and the son is residing with the husband.

The respondent-husband has taken up a plea in the reply that the son has met with an accident and had received multiple injuries. The respondent is paying a sum of Rs.8,000/- as rent of the house after leaving Government accommodation and has spent Rs. 1 lac on the treatment of the son.

Since the appellant-applicant is not earning anything, she is entitled to be maintained by the respondent during pendency of the proceedings.

Taking into consideration the comparative responsibilities of the parties regarding the family affairs, a sum of Rs.3,000/- per month is considered to be reasonable amount as interim maintenance to be paid to the appellant-wife during pendency of the appeal.

A sum of Rs.25,000/- is assessed as litigation expenses to be paid by the respondent-husband.

It is made clear that interim maintenance will be payable with effect from the date of application i.e. September, 2016.

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

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The entire arrears calculated till 31.10.2017 will be paid by
15.11.2017.

The appeal is also ordered to be listed for final hearing on
30.11.2017.

**(M.M.S. BEDI)
JUDGE**

August 02, 2017.
harsha

**(AUGUSTINE GEORGE MASIH)
JUDGE**