

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CMM No. 20 of 2015 (O&M)
in FAO M No. 326 of 2014

Date of decision: 23.8.2017

Parveen Kumar

.. Non-Applicant/Appellant

vs

Neelam Rani

.. Applicant/Respondent

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present: Mr. Akashdeep Singh, Advocate,
for the non-applicant/appellant.

Mr. KPS Virk, Advocate, for the applicant/respondent.

Rajesh Bindal, J.

Application under Section 24 of the Hindu Marriage Act, 1955 has been filed by the wife claiming maintenance and litigation expenses. Marriage between the parties was solemnized on 10.4.2000. A male child was born out of the wedlock, who is residing with the wife. The husband at present is working as Guest Teacher and getting monthly emoluments of ₹ 24,000/-. In addition, he admittedly owns 14 acres 2 kanals of land and earning income by leasing out that land. Wife is working as a teacher with Education Department, Haryana, and drawing gross salary of ₹ 51,000/- per month. Her carry home salary is ₹ 40,414/-, after deducting income tax and contribution to the GPF to the tune of ₹ 10,000/- per month.

It was stated before this Court that in an application filed by the wife under the provisions of the Hindu Adoptions and Maintenance Act,

1956, the learned Court below has granted interim maintenance @ ₹ 9,000/- per month payable by the appellant- father for maintenance of child born out of the wedlock vide order dated 13.5.2015. Vide order dated 17.3.2017, amount of maintenance has been determined at ₹ 15,000/- per month from the date of order on the application. Order has not been impugned till date.

According to learned counsel for the respondent-wife, neither entire amount of maintenance fixed by the learned court below at ₹ 9,000/- per month has been paid nor the amount of maintenance fixed at ₹ 15,000/- per month from 17.3.2017 has been paid till date. He has furnished particulars of bank account of the wife in Court in which the arrears of maintenance can be deposited by the appellant and further amount can be credited regularly. The same are as under:-

Neelam Rani,
Account No. 20148828958,
State Bank of India, Mini Secretariat Branch, Karnal.

Heard learned counsel for the parties.

The husband is employed as a Guest Teacher at a monthly salary of ₹ 24,000/- and is earning income from leasing out 14 acres 2 kanals land as well. On the other side the wife is employed as a Government Teacher and her gross salary is ₹ 51,000/- per month. The learned Court below in the proceedings initiated by the wife under the Hindu Adoptions and Maintenance Act has fixed monthly maintenance of ₹ 15,000/- per month for the child born out of the wedlock, who is living with the wife. Considering the income of the parties, the applicant-wife is not entitled for any further maintenance. However, the arrears of maintenance payable for the son shall be cleared by the husband within two months. From September, 2017 onwards, the amount of ₹ 15,000/- per month fixed as

maintenance for the child shall be transferred by the husband in the account of the wife as mentioned above, in the first week of every month. Further the husband shall transfer ₹ 25,000/- as litigation expenses in the account of the wife in the month of September, 2017.

The application is disposed of accordingly.

(Rajesh Bindal)
Judge

23.8.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No