

PARAMJIT KAUR VS JOGA SINGH

PRESENT **Mr.Navin Sharma, Advocate,
for the applicant-appellant.**

**Mr.M.S.Dhami, Advocate,
for the respondent/non-applicant.**

Respondent-husband has been granted a decree of divorce.

The applicant-appellant-wife has preferred this appeal and also claimed maintenance pendente lite by filing application under Section 24 of the Hindu Marriage Act, averring therein that she is unable to maintain herself and minor son whereas the respondent-husband is presently working with Kartar Bus Service as Inspector and his salary is more than Rs.20,000/- per month. Monthly income of the respondent is claimed to be more than Rs.50,000/- per month when the income from all other sources is added with the salary. Applicant-appellant-wife claims maintenance pendente lite @ 20,000/- per month besides Rs.35,000/- as litigation expenses.

The application has been opposed by the respondent-husband claiming that he had already paid money to the wife and she has constructed a house at Nakodar from the said amount. He has denied that he is an employee of Kartar Bus Service. It is also pleaded that both the sons have attained majority.

Counsel for the respondent has urged that the applicant has not disclosed that she has been getting maintenance @ Rs.2600/- per month w.e.f. 29.10.2011, under Section 125 Cr.P.C. besides a sum of Rs.800/- each for the minor sons. It is further submitted that for one year the application under Section 24 of the Hindu Marriage Act, has not been filed which would estop the wife to claim maintenance pendente lite.

On asking of the Court, it has been informed that during pendency of the proceedings before the lower Court, a sum of Rs.1500/- had been awarded to the applicant-wife whereas a sum of Rs.1000/- each was awarded to the minor sons under Section 24 of the Hindu Marriage Act.

Without expression of any opinion regarding the right of the sons to claim maintenance who are alleged to have attained majority, we have considered the entitlement of the applicant-wife to claim maintenance pendente lite under Section 24 of the Hindu Marriage Act. Respondent has vaguely denied the averments made in the application without mentioning the date from which he has stopped working for the Transport Company. Respondent is a healthy person, capable of earning and is also under an obligation to maintain the wife who does not have any income.

CMM is allowed. A sum of Rs.3,000/-, which is considered to be reasonable amount, is awarded as maintenance pendente lite to the applicant-wife under Section 24 of the Hindu Marriage Act w.e.f. the date of application i.e. 16.5.2015. The amount awarded under Section 125 Cr.P.C. will certainly be adjustable from the amount awarded under Section 24 of the Hindu Marriage Act. Applicant-wife is also held entitled to litigation expenses of Rs.30,000/-.

For payment of entire arrears of maintenance pendente lite calculated till 31.10.2017 as well as litigation expenses, to come up on 21.11.2017.

(M.M.S. BEDI)
JUDGE

September 4, 2017.
raj arora

(AUGUSTINE GEORGE MASIH)
JUDGE