

**KARAMJIT KAUR
V/S
AJINDER PAL SINGH**

Present: Mr. B.S. Sidhu, Advocate,
for the appellant.

Dr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Raghav Gulati, Advocate, for the respondent.

Attempt made for bringing about reconciliation as the appellant has expressed desire to resume cohabitation with the respondent but the respondent, present in the Court, is adamant for any settlement and insists for upholding the order of divorce passed by the lower Court.

While the matter was taken up for consideration on merits, counsel for the appellant-wife has submitted that no order has been passed on his application under Section 24 of the Hindu Marriage Act.

CMM-182-2015

In the said application, the appellant-wife has claimed that she is unemployed and she is looking after a son born on 21.08.2011, who is studying in Nursery class at St. Joseph School, Moga whereas the respondent-husband is working as a school teacher, getting salary of Rs.40,000/- per month. It has been disclosed that she has been awarded interim maintenance @ Rs.6000/- per month in proceedings under Section 125 Cr.P.C and that vide final order, a sum of Rs.7000/- per month has been awarded. A sum of Rs.5000/- is also awarded to the minor son born out of the wedlock in those very proceedings.

It has been averred in the application that the respondent-husband has got earning from 57 acres of land being co-owner of the land. It has also been averred that 18 acres of land stands in the name of the respondent-husband.

The respondent-husband has admitted his earning as his employment as ETT Teacher at GPS Mehmuana, Block Faridkot. As per salary certificate of the respondent-husband for the month of October, 2015 the total salary of Ajinder Pal Singh, on the basis of basic pay of Rs.19740/- was Rs.45954/-. The compulsory deductions are GIS and income tax of Rs.60/- and Rs.1500/- per month respectively. The respondent-husband is shown to have voluntarily opted to deposit Rs.24,000/- towards G.P.F.

We are satisfied that his total income is more than Rs.46,000/- per month out of which deposit in G.P.F. @ Rs.24,000/- per month is the saving which entails interest @ 8% per annum. The ownership of the land has been vaguely denied.

So far as the expenses of the child is concerned, the respondent-husband, in his reply, has pleaded that he is ready to take the custody of the child but it has been informed that litigation regarding custody is pending inter se the parties.

Be that as it may, we have taken up the application under Section 24 of the Hindu Marriage Act to consider the individual entitlement of Karamjit Kaur and the liability of the respondent-husband to maintain the wife who is also shouldering alone the responsibility of bringing up the minor child.

We have considered the contentions of learned counsel for the respondent-husband that the appellant-wife is an able bodied lady and capable of earning. Vague allegations have been levelled in the reply that she is running a beauty parlour in the village and earning Rs.20,000/- per month.

We have considered the facts and circumstances of the case and are of the opinion that a sum of Rs.15,000/- per month would be adequate amount to be paid by the respondent-husband under Section 24 of the Hindu Marriage Act, during pendency of the appeal, irrespective of the amount which has been held payable to the son in proceedings under Section 125 Cr.P.C.

It is made clear that amount of maintenance pendente lite will be payable with effect from the date of application i.e. 05.11.2015 and that a sum of Rs.7000/- which has been ordered to be paid in proceedings under Section 125 Cr.P.C. to the appellant-wife, would be adjustable from the amount ordered by this Court. The amount already paid in proceedings under Section 125 Cr.P.C would be deducted from the arrears for the period for which it has been paid. Litigation expenses of Rs.40,000/- are assessed to be reasonable. A sum of Rs.10,000/- earlier paid would be liable to be deducted from the amount of Rs.40,000/-.

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

For payment of arrears of maintenance and balance of litigation expenses, to come up on 08.12.2017.

The entire arrears calculated till 31.12.2017 will be paid on the next date of hearing.

In case of clearance of the entire arrears of maintenance, the appeal will be listed for final disposal in the month of February/March, 2018.

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

October 30, 2017.
harsha

**(AUGUSTINE GEORGE MASIH)
JUDGE**