

NEERU VS MANISH RATTAN

Present : Mr.Rakesh Gupta, Advocate
for the appellant.

Mr. Raman Mahajan, Advocate
for the respondent.

CMM-189-2016

Appellant-wife has filed the present application invoking the provisions under Section 24 of the Hindu Marriage Act praying for maintenance pendente lite @ ₹15,000/- per month.

Appellant has contended that she is residing at the mercy of her parents whereas the respondent is doing the business in readymade garments and is earning more than a sum of ₹25,000/- per month. Appellant will also have to take care of the child born out of the wedlock.

Respondent in his reply has contended that readymade garments business is not remunerative from the month of November 2016 onwards. Of course, respondent has contended that he is not interested to snap the marital ties.

We heard the submissions made on either side.

The fact remains that the respondent is paying a sum of ₹3,000/- per month to the appellant and a sum of ₹1,000/- to the child born out of the wedlock towards maintenance in terms of the order in a petition under Section 125 Cr.P.C. passed by competent criminal Court.

There might have been some slump in the sale of the readymade garments in the month of November 2016 due to demonetization

but now the financial situation has appreciably improved.

Counsel for the respondent also gave consent for fixing the maintenance for the appellant and child born out of the wedlock @ ₹8,000/- per month.

Considering the requirement of the appellant and her child, the earning capacity of respondent-husband from out of the readymade garments business, we direct the respondent-husband to pay a sum of ₹8,000/- per month towards maintenance of the appellant and her child which is inclusive of the amount which has already been ordered by the criminal Court in a petition under Section 125 Cr.P.C. from the date of this application w.e.f. 23.12.2016.

Application stands disposed of accordingly.

FAO-3604-2013

Post the matter on 24.04.2017.

**(M. JEYAPPAUL)
JUDGE**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

March 21, 2017

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