

235 CMM 142 of 2016 in
FAO-M-16 of 2012

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Manoj Atri Vs. Deepa Atri

Present: Mr. R.D. Singh, Advocate for
Mr. Rakesh Gupta, Advocate for the applicant-respondent.

Mr. Vinod Bhardwaj, Advocate for the appellant.

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Heard on application under Section 24 of the Hindu Marriage Act.

Counsel for the non-applicant has submitted that the non-applicant/ husband is not earning anything. He along with his father is present in the Court and they have stated that neither the Chemist shop is being run by them nor they have got any other business.

The said contentions have been rebutted by counsel for the applicant-wife stating that evasive approach is being adopted to avoid the liability to pay maintenance pendent elite or any litigation expenses.

It is being observed by the Bench that the appellant- husband from appearance is an able-bodied person of more than 6 feet immaculately attired. The argument of counsel for the appellant that he is not capable of earning and is merely a pauper is disbelieved.

The application is allowed. The maintenance pendente lite at the rate of Rs.10000/- per month is ordered to be paid to the respondent-wife w.e.f. the date of the application. This amount is exclusive of the amount which is separately paid to the son in proceedings under Section 125 Cr.P.C. Litigation expenses are assessed as Rs.40000/-. A sum of Rs.20000/- if paid earlier would be deductible from the amount assessed.

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For payment of the entire arrears, now to come up on December
1, 2017.

It is made clear that in case of non-compliance of the order, the
necessary legal consequences will follow.

(M.M.S. BEDI)
JUDGE

September 14, 2017
sanjay

(AUGUSTINE GEORGE MASIH)
JUDGE