

**105+227 CM-22869-CII-2017 in
FAO-8030-2015 with
CMM-191-2015 and
CM-5067-CII-2017**

**RAINA SOLANKI
V/S
AJAY KUMAR JAKHAR AND ANR**

Present: Mr. I.P.S. Kohli, Advocate,
for the appellant.

Mr. Aman Pal, Advocate,
for respondent No.1.

CM-22869-CII-2017

The miscellaneous application is allowed.

Annexure P-5 is permitted to be taken on record.

CMM-191-2015

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

A serious controversy has been raised regarding the earning capacity of the applicant-wife and alleged inability of the respondent-husband to pay maintenance to the applicant-wife.

Without entering into the controversy regarding the earning capacity or ability/inability of the applicant-wife to earn, we are of the considered opinion that the capacity and capability of a woman to earn cannot in all cases be considered to be a circumstance to give benefit to the husband to wriggle out of the maintenance to maintain his wife.

Taking into consideration the earning capacity of the applicant-wife, we are of the opinion that nominal amount of Rs.15,000/- per month

would be sufficient enough to satisfy the claim of the applicant-wife under Section 24 of the Hindu Marriage Act. She would also be entitled to litigation expenses of Rs.15,000/-. Any amount already paid will be adjustable towards the litigation expenses. The maintenance pendente lite will be payable with effect from the date of application i.e. November, 2015.

The application under Section 24 of the Hindu Marriage Act is allowed accordingly.

For payment of the arrears of maintenance and balance of litigation expenses, to come up on 21.03.2018.

The entire arrears calculated till 31.03.2018 will be paid on the next date of hearing.

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

October 27, 2017.
harsha

**(AUGUSTINE GEORGE MASIH)
JUDGE**