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MADAN GOPAL SINGLA VERSUS SHASHI AGGARWAL

Present: Mr. Anmol Verma, Advocate
for appellant-husband.

Mr. N.S. Shekhawat, Advocate
for the respondent-wife.

CMM-151-2015

Feeling dissatisfied with the judgment and decree daed 23.05.2013 passed by District Judge, (Family Court), Ambala, appellant-husband has filed the present appeal to get the marriage dissolved by a decree of divorce under Section 13 of the Hindu Marriage Act.

During the pendency of the appeal, the respondent-wife has filed an application under Section 24 of the Hindu Marriage Act, seeking maintenance *pendente lite* at the rate of Rs.25,000/- per month besides litigation expenses of Rs.50,000/- claiming that appellant-husband is employed as Warrant Officer in Indian Air Force and was getting salary of Rs.60,000/- per month, which as per the respondent-wife is now enhanced to Rs.80,000/- per month after the revision of pay scales.

The application has been opposed, *inter-alia*, on the ground that the appellant-husband is already forced to part with a sum of Rs.7600/- per month for the maintenance of the daughter every month, as per order passed by the Chief of the Air Staff dated 16.11.2011 Annexure A-1. It has been urged that the applicant-wife is owner of 192 square yards plot and one flat in Maharashtra and is getting income from the aforesaid property.

Applicant-wife has filed rejoinder explaining that the plot in Village Ojhar (Maharastra) had been sold in the year 2007 in order to maintain education of two childern born out of the wedlock and it has been denied that she was is getting any amount from the said house.

Counsel for the respondent-wife has submitted that if any amount as alleged by the appellant-husband was being obtained in the name of rent, she waives off her rights in the same. It has been urged that she is not getting any income from the said flat.

We have considered the facts and circumstances of the case and keeping in view the fact that there is no material available on record regarding the respondent-wife being earning hand, she is held entitled to maintenance *pendente lite* under Section 24 of the Hindu Marriage Act, during the pendency of the proceedings launched by her husband. Since the income of the respondent is between Rs.60,000/- to Rs.80,000/- per month, we are of the considered opinion that the wife is entitled to claim an amount of Rs.10,000/- per month, which would be a reasonable amount, to maintain herself during the pendency of the proceedings, payable by the appellant-husband, irrespective of any amount being paid by him for the daughter, the amount will be payable from the date of application i.e. 24.08.2015.

A sum of Rs.40,000/- is assessed as litigation expenses to be payable to the respondent-wife by the appellant-husband. A sum of Rs.25,000/- already paid as interim litigation expenses will be deducted from the amount assessed as litigation expenses.

The application is allowed in the above terms.

For payment of arrears of maintenance *pendente lite* and litigation expenses, to come up on 12.02.2018.

The entire arrears of maintenance *pendente lite* calculated till 28.02.2018 will be paid on the date fixed.

[M.M.S. BEDI]
JUDGE

[AUGUSTINE GEORGE MASIH]
JUDGE

September 26, 2017
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