

**229 CMM-209-2015 and FAO-1219-2013
SURESH KUMAR VS MEENAKSHI**

**PRESENT Mr.Rose Gupta, Advocate, for the appellant.
 Mr.S.K.Chouhan, Advocate, for the respondent.**

This order will dispose of the application under Section 24 of the Hindu Marriage Act, filed by the respondent-wife.

Respondent-wife and her sister Meena, were married to two brothers. There is matrimonial litigation pending before this Court in FAO-1218 of 2013 between Naresh Kumar brother of appellant and Meena sister of respondent. The pleadings of the application under Section 24 of the Hindu Marriage Act and reply are akin in both the cases. In case of Naresh Kumar brother of appellant Suresh Kumar, application under Section 24 of the Hindu Marriage Act, has been decided today.

Both the brothers are alleged to be trained Halwai which fact has not been denied but on the basis of reasonable presumption, we consider the husband as skilled labourer earning at least Rs.20,000/- per month.

Application under Section 24 of the Hindu Marriage Act, is allowed. A sum of Rs.5,000/- per month is awarded as maintenance pendente lite to be paid by the appellant-husband with effect from the date of application i.e. December 2015 taking into consideration the fact that in the year 2010, she had been granted maintenance pendente lite @ Rs.1500/- per month on the basis of the earning capacity and income of the husband. A sum of Rs.40,000/- is also awarded towards litigation expenses. Rs.25,000/- earlier paid towards interim litigation expenses will be deductible from the amount of Rs.40,000/- awarded as litigation expenses.

It is not out of place to observe here that if any amount has been paid in lieu of maintenance awarded under Section 125 Cr.P.C., after December 2015, the said amount will be adjustable against the arrears of maintenance to be paid pursuant to this order.

Appeal is adjourned to 26.3.2018.

The entire arrears of maintenance pendente lite calculated till 31.3.2018, and the balance amount of litigation expenses would be paid on next date of hearing.

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

**December 12, 2017.
raj arora**

**(AUGUSTINE GEORGE MASIH)
JUDGE**