CMM-150-2015 and
FAO-M-161-2015

ASHOK KAUSHIK
VS.
SUNITA KAUSHIK

Present: Mr. Rajinder Singh Raj, Advocate
for the appellant-husband.

Mr. Rajinder Goyal, Advocate
for the respondent-wife.

This order will dispose of an application under Section 24 of the Hindu Marriage Act filed by the respondent-wife claiming that she is unable to earn anything whereas the appellant/non-applicant is working as Director in International Institute of Fashion Designing Limited and is earning a sum of ₹5,00,000/- per month. He is also allegedly running a Petrol Pump in Shahabad (Ambala). It has been urged that income tax returns of the husband/non-applicant indicate that his income is between ₹48,00,000/- to ₹60,00,000/- per annum. Permanent Account Number of the appellant has also been given. It has further been averred in the application that he has got two Mercedes cars, one Skoda besides three other vehicles. He is alleged to be the owner of three houses, two in Panchkula and one in Dhakauli (Zirakpur). The other immovable properties have also been enumerated in para 3 of the application.

The averments in the application have been denied by the appellant-husband. However, it has been admitted that he is working as a Director as claimed.

A direction was issued to the non-applicant/husband to produce his income tax returns and the list of immovable properties. However, counsel for the non-applicant/husband has submitted that the Court of Magistrate exercising the powers under the Prevention of Women from Domestic Violence Act and the trial Court under Section 24 of the Hindu Marriage Act has granted a sum of ₹8,000/- per month as maintenance to the respondent-wife and in order to clear the entire arrears, a demand draft for a sum of ₹1,68,000/- calculated till October, 2017, has been handed over to the respondent-wife present in the Court.

Income tax returns of the assessment year 2014-15 and 2015-16 have also been made available indicating that the gross income of the non-applicant/husband was ₹13,54,096/- for the year 2015-16 and ₹11,37,027/- for the assessment year 2014-15.

After considering the facts and circumstances and taking into consideration the gross income as well as the deductions, a sum of ₹18,000/- per month with effect from the date of application is considered to be reasonable and just amount as maintenance *pendente lite* for the respondent-wife. The sum of ₹8,000/- per month which is being paid will be deductible from the amount determined by this Court. The litigation expenses of ₹70,000/- are also ordered to be paid by the appellant-husband to the respondent-wife. Sum of ₹30,000/- already paid as litigation expenses will also be deductible from the amount determined today for litigation expenses.

The application is allowed in the above terms.

For payment of balance of the arrears of maintenance *pendente lite* calculated at above said rate and the litigation expenses, adjourned to 02.11.2017.

Matter will also be taken up for arguments on that date.

Since certain offer is being made by the appellant-husband to the respondent-wife for persuading her to agree to divorce by mutual consent, it will be open to the respondent to accept any reasonable offer in case the matter is amicably settled out of the Court.

(M.M.S. BEDI)
JUDGE

September 7th, 2017 **(AUGUSTINE GEORGE MASIH)**
Puneet **JUDGE**