

**MANPREET KAUR
V/S
JASMINDER SINGH**

Present: Mr. Anter Preet Singh, Advocate,
for the appellant.

None for the respondent.

CMM-134-2017

Notice of application under Section 24 of the Hindu Marriage Act was given to the counsel for the respondent on 19.09.2017 for today.

As per office report, counsel for the respondent had been informed about the application. Copy stands already supplied to the counsel for the respondent.

Case called twice.

No one has put in appearance on behalf of the respondent.

Left with no alternative except to consider the application on the basis of the averments made therein, we have taken up the application for adjudication.

Appellant-wife claims that the respondent-husband has been granted decree of divorce by the lower Court. The appellant-wife has preferred this appeal claiming that she is dependent upon her father for her maintenance and maintenance of two minor sons whereas the respondent-husband is working as LDC in Intelligence Bureau and drawing a salary of more than Rs.30,000/- per month. The appellant-wife, claiming that the appellant-husband has got additional source of income as he owns immovable property, claims a sum of Rs.10,000/- per month for herself and Rs.10,000/- per month for minor sons.

On asking of the Court, learned counsel for the appellant-wife informs that the lower Court had awarded a sum of Rs.2200/- per month as maintenance pendente lite and a sum of Rs.3,000/- total for the minor sons as such a sum of Rs.5200/- was awarded in application under Section 24 of the Hindu Marriage Act by the lower Court.

We have taken into consideration the facts and circumstances of the case including the circumstance that the appellant-wife herself is working as a Teacher in a private school and is earning a sum of Rs.8,000/- per month. The said amount is highly inadequate on account of the escalated prices especially when she has to maintain two minor sons born out of the wedlock. She has to spend on their study, medical expenses, food as well as other elements for up bringing.

The appellant-wife deserves to be maintained by the respondent-husband on the basis of his earning capacity.

Since the appellant-wife is earning a sum of Rs.8,000/- per month, she is held entitled only for a sum of Rs.2200/- per month as was determined by the lower Court. Taking into consideration the fact that she is shouldering the liability single handedly for upbringing the children, which is the responsibility of both the parents, she is held entitled to a sum of Rs.5,000/- each for the education, food, medical expenses etc. of both the minor children and as such she is held entitled to a total maintenance pendente lite @ Rs.12,200/- per month. She would also be entitled to litigation expenses of Rs.25,000/-. The said amount will be payable with effect from the date of application i.e. September, 2017.

Application under Section 24 of the Hindu Marriage Act is allowed in above manner.

For payment of the arrears of maintenance pendente lite and litigation expenses, to come up on 16.03.2018.

(M.M.S. BEDI)
JUDGE

December 07, 2017.
harsha

(AUGUSTINE GEORGE MASIH)
JUDGE