

**CMM-18-2017 and
FAO-M-60-2016**

YOGESH BANSAL VS. RASHMI

Present: Mr. Namit Khurana, Advocate
for the appellant.

Mr. G.S. Shahpuri, Advocate
for the respondent.

Parties are present in person.

We have made efforts for bringing about reconciliation by proposing that either the parties should reunite or part company on receipt of some lump sum amount by the wife as permanent alimony but parties could neither arrive at a definite figure for accepting the separation nor are ready to reunite.

In view of the said circumstances, we have got no option but to take up the matter on merits.

An application under Section 24 of the Hindu Marriage Act has been filed by respondent-wife. The appellant-husband is working in a Dental College as Lecturer of Biochemistry and is getting salary of ₹42,000/- per month. The respondent-wife is no doubt an educated lady but she claims that she is not doing any work and has to maintain the minor child. The lower Court while deciding the application under Section 24 of the Hindu Marriage Act had awarded ₹8000/- per month as maintenance *pendente lite* to the wife with additional sum of ₹2000/- for the minor child.

We have taken into consideration the above said circumstances and are of the opinion that the upbringing of the minor child is the joint

responsibility of both the parties but since the responsibility is being shouldered by the wife independently and nothing has come on record indicating that she has been earning anything, taking into consideration the income of the appellant-husband, we deem it appropriate, in the interest of justice, that the respondent-wife will be paid a sum of ₹12,000/- per month as maintenance *pendente lite*. The amount of ₹2000/- awarded to the minor child is enhanced to ₹3000/- per month taking judicial notice of the rising prices. Calculated at the above said rate, the sum of ₹15,000/- per month would be payable by the appellant-husband to the respondent-wife with effect from the date of the application. Any other amount ordered under any proceeding i.e. under Section 125 Cr.P.C. or under any other provision of law would be adjustable against the above said amount. Litigation expenses are assessed at ₹40,000/-. Sum of ₹20,000/- earlier paid would be deductible from the said amount.

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

For payment of maintenance *pendente lite* and litigation expenses, to come up on 01.11.2017.

Entire arrears calculated till 30th October, 2017, will be cleared on next date of hearing. The matter will be taken up on merits after the clearance of the above said amount.

(M.M.S. BEDI)
JUDGE

September 11th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE