

CR No.1306 of 2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR No.1306 of 2016 (O&M)  
Date of decision: 30.05.2018

Preeti Bala

...Petitioner

Versus

Jaswinder Pal Sharma

....Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Munish Jolly, Advocate for the petitioner.

Mr. Aminder Singh, Advocate for the respondent.

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**ANIL KSHETARPAL, J. (ORAL)**

Wife is in the revision petition seeking enhancement of the maintenance pendente lite granted by the learned Additional District Judge, Ludhiana, vide order dated 13.01.2016.

Learned counsel for the petitioner has pointed out that the respondent-husband is working as a Librarian in District Bar Association, Sangrur and his father is owner of five acres of land and the respondent-husband is the only son of his parents.

On careful reading of the order, no doubt the court has noticed that some agriculture land is in the name of the parents of the respondent, however, the court rather than assessing the income from the land, proceeded to fix the maintenance at Rs.4000/- per month for herself and her two sons, who are minor.

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While deciding the application under Section 24 of the Hindu Marriage Act, the court while assessing the maintenance pendente lite is expected to analyze the documents produced and thereafter arrive at some conclusion. The application under Section 24 of the Hindu Marriage Act, cannot be decided simply on the basis of assumption. The court ought to have worked out income of the husband from all sources and thereafter calculated the maintenance pendente lite keeping in view that the wife and two minor children who must be receiving education.

In view thereof, the order under challenge is set aside. Learned Additional District Judge, Ludhiana is requested to re-decide the application under Section 24 of the Hindu Marriage Act after considering the documents which have been filed before it. In the meantime, husband would keep paying Rs.4000/- per month as assessed by the learned Additional Judge till the application is decided afresh.

Let this exercise be completed within the period of four months from the date of receipt of the order.

**(ANIL KSHETARPAL)**  
**JUDGE**

**May 30, 2018**  
Ishwar

**Whether speaking/reasoned:- Yes/No**

**Whether reportable:- Yes/No**