

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.105

C.R. No.2119 of 2017

Date of decision: 16.07.2018

Sanjeet @ Monu

....Petitioner

versus

Sarita

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Ramesh Malik, Advocate
for the respondent.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition challenge is made to the order dated 09.02.2017 (Annexure P-1) passed by the Additional District Judge, Jhajjar (for short – 'the trial court') through which during the pendency of the divorce proceedings between them, the petitioner-husband has been directed to pay ₹ 5,000/- as interim maintenance to the respondent-wife.

The facts in brief which are required to be noticed for adjudicating upon the present petition are that the petitioner and the respondent were married on 08.02.2013 and out of the wedlock one male child namely Kanishk was born on 27.02.2015. Due to differences having crept in between the parties, the petitioner-husband filed a petition under Section 13 of the Hindu Marriage Act, 1955 (for short – 'the Act') seeking divorce from the respondent on the grounds mentioned therein. During the pendency of the divorce petition, the respondent-wife filed an application under Section 24 of the Act seeking interim maintenance, which was allowed with a direction to the petitioner to pay ₹ 5,000/- per month as

interim maintenance to the respondent. It is this order which is the subject matter of challenge in the present proceedings.

Learned counsel for the petitioner submits that the respondent is not entitled to the awarded maintenance as she is an accused for having caused murder of the petitioner's father as also injuring the petitioner and his mother and that the respondent is well-educated person therefore, she is capable for maintaining herself.

No merit is found in the afore submissions. At this stage, the respondent is only an accused for having caused the murder of the petitioner's father. Her guilt is yet to be established in the ensuing trial. Irrespective of such fact, it is not disputed that it is the respondent who is rearing the only child born out of the wedlock between the petitioner and the respondent. Nothing has been produced by the petitioner to show that the petitioner is earning even a penny.

In view of the above peculiar facts, this Court is of the opinion that no fault can be found in the order passed by the Trial Court awarding a monthly sum of ₹ 5,000/- to the respondent for herself as also for bringing up the child born out of the wedlock of the parties.

Dismissed.

(DEEPAK SIBAL)
JUDGE

July 16, 2018
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No