

Civil Revision No.3886 of 2017

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.3886 of 2017

Date of decision: 30.01.2018

Hardip Singh

.....Petitioner

versus

Prabhsharan Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Lalit Singla, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Challenge in the instant petition under Article 227 of the Constitution of India has been laid to orders dated 15.03.2017 and 10.05.2017 of the learned Additional District Judge, Amritsar, awarding ₹ 5,000/- per month towards maintenance to the respondent-wife from the date of her application under Section 24 of the Hindu Marriage Act (in short the Act'), besides litigation expenses of ₹ 5,000/- and dismissing petitioner's review application.

In nutshell, in a divorce petition filed by the respondent-wife against petitioner-husband, she moved an application under Section 24 of the Act for grant of maintenance to the tune of ₹ 50,000/- per month, besides litigation expenses of ₹ 11,000/- claiming that her husband was a settled businessman having partnership in two firms at New Delhi, besides other businesses.

The said application was accepted by learned Additional District Judge, Amritsar vide order dated 15.03.2017 granting aforesaid maintenance pendente lite and litigation expenses to the respondent.

Aggrieved against the order dated 15.03.2017, petitioner filed

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review application, which too was dismissed vide order dated 10.05.2017.

Learned counsel for the petitioner contends that the respondent-wife being a highly qualified lady is earning a handsome salary, which she concealed from the trial Court to get the maintenance pendente lite and litigation expenses in an illegal manner. The trial Court ought not to have granted any maintenance to the respondent-wife without affording an opportunity to the petitioner for leading evidence qua income of the respondent.

Having given considerable thought to the submissions made by learned counsel for the petitioner, both the impugned orders are modified to the effect that learned Additional District Judge, Amritsar, shall reimburse the maintenance pendente lite and litigation expenses to the respondent-wife against her personal bonds and surety bond that, in case, the same is ever reduced, altered or set aside, the respondent would deposit the entire amount taken by her with the Court within two months.

This petition is disposed of without issuing notice to the respondent with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondent and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondent may move this Court for recalling this order within six weeks from today.

(Ramendra Jain)
Judge

January 30, 2018
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.