

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

**Civil Revision No.3925 of 2018
Date of Decision: 18.08.2018**

Naresh

.....Petitioner

Vs

Bindu

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. S.S. Walia, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 16.04.2018 passed by the District Judge, Hisar whereby the application filed by the respondent under Section 24 of the Hindu Marriage Act was allowed, thereby fixing an amount of Rs.15,000/- per month as maintenance *pendente lite* from the date of filing of the application besides awarding an amount of Rs.5500/- as litigation expenses.

[2]. In compliance of order dated 02.07.2018, a demand draft No.491683 dated 10.08.2018 in a sum of Rs.15,000/- has been handed over to the respondent, who is present along with

her counsel towards litigation expenses of the present case. Photostat copy of the demand draft has been taken on record.

[3]. Marriage between the parties was solemnized on 11.05.2011 and a son was born out of this wedlock on 03.02.2012, who is presently living with the respondent.

[4]. During course of arguments, it has been found that father of the petitioner was serving in the office of Development and Panchayat Department, Haryana and after his demise mother of petitioner has been appointed as per policy of the State and she is drawing last pay drawn by her husband i.e. Rs.42,080/- as salary under the Ex-Gratia Scheme of the State of Haryana. After the demise of father of the petitioner, land measuring 88 *Kanals* has been mutated in the name of Shanti Devi and the petitioner being widow and son of deceased Bir Singh in equal shares. Out of total 88 Kanals 0 Marla, 84 Kanals of land is shown to be *mazrua* (cultivable), whereas 4 kanals of land is shown to the *gair mazrua* (uncultivable). The mutation has been given effect in the revenue record.

[5]. Evidently, no evidence could be brought on record to prove that respondent was employed in any Department and was earning. Award of Rs.15,000/- per month for the respondent and minor son cannot be termed to be on higher side keeping in view the cost of living and expenses towards

education of the minor. Paternity of the child is not in dispute.

[6]. Petitioner has already resorted to petition under Section 13 of the Hindu Marriage Act. The award of maintenance of Rs.15,000/- per month in the proceedings under Section 125 Cr.P.C., has already been challenged by the petitioner in revisional jurisdiction.

[7]. At this stage, this Court would not like to interfere in the award of maintenance of Rs.15,000/- per month granted in favour of the respondent, who is maintaining the minor son aged about 7 years also. Petitioner has means to pay the aforesaid amount being the only son of his parents and in view of inheritance of land/property. Petitioner has no responsibility towards maintenance of his mother as the mother is getting an amount of Rs.42,080/- per month under *Ex-Gratia* Scheme after the death of father of the petitioner in service.

[8]. For the reasons recorded above, no infirmity is found in the impugned order dated 16.04.2018 passed by the District Judge, Hisar. This revision petition is accordingly dismissed.

August 18, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No