

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

Date of Decision: 26.10.2018

1. CR No.4387 of 2018(O&M)

GeetuPetitioner

Versus

Subhash ChanderRespondent

2. CR No.3175 of 2018(O&M)

Subhash ChanderPetitioner

Versus

GeetuRespondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Vijay Lath, Advocate
for the petitioner in CR No.4387 of 2018 and
for the respondent in CR No.3175 of 2018.

Mr. Binat Sharma, Advocate
for the petitioner in CR No.3175 of 2018 and
for the respondent in CR No.4387 of 2018.

RAJ MOHAN SINGH, J.

[1]. Vide this common order, CR No.4387 of 2018 titled
Geetu Vs. Subhash Chander and CR No.3175 of 2018 titled
Subhash Chander Vs. Geetu are being disposed of. Since both

the revision petitions have arisen out of the same order, therefore, common facts are being noticed.

[2]. Both the revision petitions have been preferred against the order dated 19.03.2018 passed by Additional District Judge, Rupnagar.

[3]. Subhash Chander husband of Geetu filed a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage of the parties by way of decree of divorce. An application under Section 24 of the Hindu Marriage Act was filed by the wife (Geetu) for grant of maintenance *pendente lite* on behalf of herself as well as on behalf of minor son, besides litigation expenses. Wife claimed that husband is a man of sources who is serving as a Lecturer in Global College of Engineering and Technology at Khanpur Khuhi against a salary structure of Rs.50,000/- per month. He also used to work in agriculture sector and his income is Rs.1 lac per month from the said profession. On the other hand, wife has no moveable and immoveable property and has no source of income to maintain herself as well as minor son. She claimed maintenance *pendente lite* to the tune of Rs.15,000/- per month for herself and Rs.10,000/- per month to the minor son besides litigation expenses to the tune of Rs.30,000/-. Wife also submitted that the husband is a qualified person having qualification of M.Sc.

Physics. The minor son is living with her.

[4]. The claim of the wife was contested by the husband on the ground that the wife is having sufficient source of income as she being M.A Hindi and B.Ed is doing job in SGTB Khalsa College, Anandpur Sahib, District Rupnagar in a salary structure of Rs.20,000/- per month. Besides the aforesaid earning, she also used to earn from tuition work. Husband further stated that he has already left the job about 2 years back and is now doing nothing. He has denied his income as claimed by the wife.

[5]. Additional District Judge, Rupnagar held that in the absence of any material in respect of ascertaining income of both the parties, no firm finding can be recorded. However, husband is an able bodied person and therefore, he cannot escape from his liability for maintaining his wife. The factum of marriage is admitted between the parties. The minor son is in the custody of mother. Minor son is about 10 years of age and is studying in school. Additional District Judge, Rupnagar while passing the impugned order granted an amount of Rs.5000/- per month as *pendente lite* to the wife from the date of application. An amount of Rs.10,000/- was fixed towards litigation expenses. Against the impugned order dated 19.03.2018 passed by Additional District Judge, Rupnagar both the parties have come in revision petitions.

[6]. Learned counsel for the wife submitted that only an amount of Rs.14,000/- has been paid by the husband towards arrears of maintenance till date and he preferred to go in civil imprisonment of three months instead of paying arrears of maintenance. An amount of Rs.5000/- per month is nothing, but a meager amount so as to meet the day to day requirement of wife as well as minor son. Nothing has been awarded towards maintenance of the minor son.

[7]. On the other hand, learned counsel for the husband stated that due to constant bickering and quarrelsome nature of the wife, husband was made to leave the job and now he is sitting idle without any job to work and there is no source of income for paying any maintenance to the wife and the minor son.

[8]. During course of arguments, it has come to fore that husband is having qualification of M.Sc. Physics. Wife is having qualification of M.A Hindi and B.Ed. Admittedly, husband was working as Lecturer in Global College of Engineering and Technology at Khanpur Khuhi in a salary structure of Rs.50,000/- per month. The husband is under legal obligation to maintain his wife as well as minor son. The qualification possessed by the wife has not been denied, though she has denied regarding her earnings as claimed by the husband. In

the proceedings under Section 125 Cr.P.C, an amount of Rs.3000/- per month was awarded as maintenance to both the wife and minor son in the ratio of Rs.2000/- and Rs.1000/- per month. There is an accumulation of arrears of maintenance towards husband for which he had to remain in civil imprisonment as well.

[9]. At this stage, in the absence of any evidence on record, earning capacity of the husband and the wife cannot be exclusively commented upon, however in fixation of maintenance on the basis of need of the wife and the minor son, it can be appreciated that the award of Rs.5000/- per month towards maintenance of the wife is not sufficient to meet additional requirement of the minor son.

[10]. Keeping in view the facts and circumstances of the case, I deem it appropriate to enhance the amount of maintenance of the wife from Rs.5000/- per month to Rs.7000/- per month and additionally, award an amount of Rs.3000/- per month to the minor son. In all, an amount of Rs.10,000/- per month will be payable by the husband towards maintenance of his wife as well as the minor son. The award of maintenance to the tune of Rs.3000/- as awarded under Section 125 Cr.P.C would be adjustable while computing the total payable amount of compensation by the husband to his wife and minor son.

[11]. With these modifications, both the revision petitions are disposed of.

October 26, 2018	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No