

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 126

CR-5976-2018 (O&M)

Date of decision : 07.09.2018

Damanpreet Singh

..... Petitioner

VERSUS

Ramandeep Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Akshay Sandhir, Advocate, for the petitioner.

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DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 13.07.2018, passed by the Additional District Judge, Amritsar (for short, the Trial Court) through which the petitioner has been directed to pay monthly maintenance of ₹7,500/- to his minor child alongwith ₹10,000/- as one time litigation expenses to his wife.

The facts in brief which need to be noticed for adjudicating upon the present petition are that the petitioner filed a petition under Section 13 of the Hindu Marriage Act, 1955 (for short, the Act) seeking divorce from the respondent. While such petition was pending, the respondent filed an application seeking interim maintenance to be paid by the petitioner for the upkeep of their minor girl child aged 5 years. After the petitioner produced the revenue record showing therein that the petitioner was owner in possession of 42 kanals of agricultural land, the Trial Court directed him to pay monthly maintenance @ ₹7,500/- to his minor daughter.

The only argument raised by the learned counsel for the petitioner that no interim maintenance could have been granted to the minor daughter of the parties since the application had been filed by the respondent

under Section 24 of the Act, needs to be considered only to be rejected as such a plea is found to be a hyper technical one as a minor child would in any case be entitled to the grant of interim maintenance by the petitioner under Section 26 of the Act. Merely mentioning of a wrong section in the application would not disentitle the minor child from the grant of maintenance.

Even on quantum, in the facts of the present case, the amount of maintenance granted by the Trial Court is found to be just and fair. Grant of ₹10,000/- to the respondent, who pursued the matter on behalf of the minor child, as one time litigation expenses are also found to be fair.

In view of the above, the present petition is dismissed.

07.09.2018  
shamsher

[ DEEPAK SIBAL ]  
JUDGE

|                           |   |          |
|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |