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

**Civil Revision No.6522 of 2017
Date of Decision:14.08.2018**

Sumit

.....Petitioner

Vs

Savita

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Dharamveer Phour Advocate
for the petitioner.

Ms. Sangeeta, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. This revision petition has been preferred by the petitioner against the order dated 17.08.2017 passed by the District Judge, Family Court, Jhajjar vide which application under Section 24 of the Hindu Marriage Act filed by the respondent was allowed thereby granting Rs.10,000/- per month as maintenance *pendente lite* in her favour from the date of filing of the application i.e. 03.04.2017 along with an amount of Rs.5,000/- towards litigation expenses.

[2]. I have considered the submissions made by learned

counsel for the parties.

[3]. While granting the maintenance *pendente lite* and litigation expenses, the District Judge, Family Court, Jhajjar has considered the status of the petitioner to be that of Constable in the ITBP. His gross salary was Rs.34,021/- per month and after deduction net payable salary was Rs.27,120/- per month.

[4]. A divorce petition has been filed by the husband-petitioner under Section 13(ia)(ib) of the Hindu Marriage Act. The Family Court has considered the fact that the respondent has to be maintained by the petitioner as per his status. Respondent has no source of income and has to bear expenses towards herself as well as towards minor daughter, who is about 3 years of age. At this stage, other income of the petitioner cannot be commented upon for want of material.

[5]. In my considered opinion, the award of Rs.10,000/- towards maintenance *pendente lite* for two human beings and litigation expenses to the tune of Rs.5,000/- are not on the higher side. However the maintenance amount subject matter of proceedings in Domestic Violence Act would be adjusted. The factum of award of maintenance in the proceedings of Domestic Violence Act shall be ascertained by the Family Court. In the event of finding award of maintenance in the said proceeding,

necessary adjustment shall be made while computing total amount of compensation payable to the respondent.

[6]. With the aforesaid modification, this revision petition is disposed of.

August 14, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No