

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 105

Case No. : C. R. No. 6507 of 2018 (O&M)

Date of Decision : December 15, 2018

Dheeraj Petitioner

vs.

Rakhi Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Dinesh Rawat, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 18.07.2018 passed by the Additional Civil Judge (Senior Division), Panchkula (for short – the Trial Court) through which the petitioner has been directed to pay interim maintenance to the minor child of the parties @ Rs.40,000/- per month.

Learned counsel for the petitioner does not challenge the quantum of interim maintenance awarded by the trial court to be paid by the petitioner to his minor child. However, it is submitted that in an application filed by the respondent-wife under Section 24 of the Hindu Marriage Act, 1955 (for short – the Act), no interim maintenance could have been directed to be paid to the minor child of the parties.

pendente lite can be ordered to be paid to either the wife or the husband where any proceedings under the Act are pending between them when it appears to the Court that either of them have no independent income sufficient for his or her support. However, Section 26 of the Act provides for grant of maintenance to the minor child of the parties if any proceeding under the Act is pending between his or her parents. That being so, the grant of maintenance to the minor child of the parties through the order impugned in the present proceedings can be considered to be an order made under Section 26 of the Act and resultantly, no interference in the same is warranted especially when admittedly the minor child of the parties is only three years old and is thus in the legal custody of her mother.

No other point was urged.

Dismissed.

(DEEPAK SIBAL)
JUDGE

December 15, 2018

monika

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.