

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

Sr. No.120

CR-6698-2018 (O&M)
Date of decision: 05.12.2018

Sukhwinderpal

....Petitioner

versus

Mandeep Kumari

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vikram Bali, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 30.07.2018 passed by the Additional District Judge, Hoshiarpur (for short – the Trial Court) through which the respondent-wife has been granted interim maintenance under Section 24 of the Hindu Marriage Act, 1955 (for short – the Act) @ Rs.7000/- per month and the minor child of the parties @ Rs.5000/- per month alongwith one time litigation expenses @ Rs.7000/-.

Learned counsel for the petitioner submits that the respondent-wife had submitted in her application under Section 24 of the Act that she did not own any movable and immovable property whereas through transfer deed dated 21.12.2015, the respondent's mother had transferred to the respondent a plot measuring 5 marlas in village Killa Baroon, Tehsil and District Hoshiarpur. It is submitted that having not come to the Court with clean hands the respondent deserved no relief. It is further submitted

that the minor child of the parties could have not been granted any maintenance under Section 24 of the Act.

The afore submissions raised by learned counsel for the petitioner have been considered. However, no merit in the same is found.

The issue with regard to the respondent-wife owning a 5 marlas plot was not raised by the petitioner before the Trial Court. Even if the respondent-wife owned a plot measuring 5 marlas, she was not earning any income from the same. Further, if the averments made in her application filed by her under Section 24 of the Act are perused she has submitted therein that she does not own any movable or immovable property 'sufficient for her support and for the support of her child' and not that she does not own any moveable or immovable property.

It is true that a minor child cannot be granted maintenance under Section 24 of the Act. However, such maintenance can be granted under Section 26 of the Act and in the case in hand where admittedly the minor child of the parties is four years of age and thus in the legal custody of the respondent-wife, the order of the Trial Court granting interim maintenance to the minor child @ Rs.5000/- per month warrants no interference.

Admittedly, the petitioner-husband is working as a Head Constable in the Punjab Police and drawing a salary of about Rs.50,000/-. Through the impugned order, the respondent-wife has been granted Rs.7000/- per month as interim maintenance and the minor child of the parties has been granted Rs.5000/- per month. In the facts of the present case, grant of such amounts are found to be reasonable. Payment of one time litigation expenses @ Rs.7000/- to the respondent-wife are also

found to be fair.

Dismissed.

(DEEPAK SIBAL)
JUDGE

December 05, 2018
Jyoti 1

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No