

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

**Civil Revision No.7906 of 2016 (O&M)**

**Date of decision: May 17, 2018**

Parveen Kumar

...Petitioner

Versus

Sonia

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present:     Mr.Harit Chhabra Advocate  
                  for the petitioner.

                  Mr.Sandeep Kumar Sharma, Advocate  
                  for the respondent.

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**INDERJIT SINGH, J.**

Petitioner Parveen Kumar has filed this revision petition against respondent Sonia under Article 227 of the Constitution of India for quashing the order dated 12.10.2016 passed by learned District Judge (Family Court), Rohtak, vide which the application under Section 24 of the Hindu Marriage Act, filed by the respondent for grant of maintenance pendente lite and litigation expenses, was accepted.

Notice of motion was issued. Learned counsel for the respondent appeared and contested the petition.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that present petitioner Parveen Kumar

has filed the divorce petition against respondent Sonia and in that petition, an application under Section 24 of the Hindu Marriage Act was filed by Sonia. It is stated in the application that applicant-respondent has no source of income to maintain herself and has also a minor child to support whereas respondent (present petitioner) is a man of means and is running a sweets shop, from which he is earning ₹50,000/- per month, therefore, maintenance of ₹25,000/- per month along with litigation expenses to the tune of ₹22,000/- be granted.

On the other hand, in reply to the application, the case of the petitioner is that a petition under Section 13-B of the Hindu Marriage Act was filed by the parties in which the applicant-respondent had taken ₹8 lakhs, which was not returned and the applicant refused to give her statement at the time of second motion. The applicant is earning handsome amount by giving coaching. It is further case of the petitioner in that application that he is running a small tea shop and earning ₹5000/- from the tea shop and he has old aged mother, who remain sick etc.

Vide impugned order dated 12.10.2016, learned District Judge, Family Court, Rohtak, granted ₹8,000/- per month as maintenance pendente lite from the date of filing of the application and ₹5,500/- as litigation expenses to respondent Sonia.

I have gone through the impugned order dated 12.10.2016 and the same is correct and as per law. No illegality has been committed by learned District Judge, Rohtak, while granting the maintenance as well as litigation expenses. First of all, whether the amount of ₹8 lakhs has been given to the wife at the time of first motion, is yet to be proved by the

lakhs is stated to have been paid, is 3-4 days prior to the filing of consent divorce petition but there is no mention in the petition regarding payment of ₹8 lakhs as lumpsum. There is also no mention in the first statement recorded by the Court in those proceedings of the wife as well as of the husband regarding payment of ₹8 lakhs. There is, otherwise also, nothing before this Court to show prima facie the payment of ₹8 lakhs. The document is yet to be proved. Learned counsel for the respondent has denied receipt of ₹8 lakhs from the present petitioner.

The relationship between the parties is admitted fact. There is nothing at this stage, except the averment in the reply that respondent Sonia is earning handsome amount by giving coaching. The income given by the petitioner in reply, cannot be believed. He has stated that he is earning only ₹5000/- per month from small tea shop. If that is the case, then how he gave ₹8 lakhs in lumpsum to the wife. The version of the petitioner-husband that he gave ₹8 lakhs to respondent-wife, shows that he is earning much more and concealing his income. Therefore, grant of ₹8000/- per month as maintenance pendente lite, cannot be held as excessive.

Keeping in view above discussion, I find that no illegality has been committed by learned Court below while granting the maintenance and litigation expenses. The impugned order dated 12.10.2016 passed by learned District Judge, Family Court, Rohtak, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

It is brought to the notice of this Court that in another proceedings under Section 125 Cr.P.C., the maintenance has been awarded

to the present respondent. It is made clear that respondent will be entitled to get maintenance only in one proceeding.

**May 17, 2018**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**