

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

229

CR No.8276 of 2016 (O & M)
Date of Decision:22.03.2018

Kanshi Ram

...Petitioner

Versus

Bimla Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manoj Tanwar, Advocate
for the petitioner.

ANIL KSHETARPAL, J.(Oral)

Husband-petitioner is in the revision petition against the order passed by the learned trial Court fixing maintenance pendente lite at the rate of Rs.5,000/- per month.

Respondent-wife filed an application under Section 24 of the Hindu Marriage Act, 1955 alleging that the husband-petitioner is drawing a salary of Rs.28,000/- per month while working in Bikaner and Jaipur Bank and is also drawing pension of Rs.10,000/- per month approximately. She further asserted that the petitioner-husband had agreed to pay maintenance to the tune of Rs.3,300/- per month as per settlement arrived at before the Mediation Centre. However, the petitioner has failed to honour the same and, therefore, application for determining the maintenance pendente lite was filed. In reply, the petitioner contested the same.

The Court after examining the facts of the case has fixed the maintenance pendente lite at the rate of Rs.5,000/- per month. The income i.e. Rs.38,000/- available in the hands of the petitioner-husband is not being disputed. The husband is under obligation to maintain his wife.

Learned counsel for the petitioner has vehemently argued that there was a compromise, according to which, the amount of maintenance was fixed. He submitted that he has paid the entire amount. Learned counsel for the petitioner was call upon to produce a copy of the reply to the application under Section 24 of the Hindu Marriage Act, 1955. He expressed his inability.

Taking into consideration the facts available on the file and particularly after noticing that the husband has an income of Rs.38,000/- and the learned trial Court has fixed maintenance pendente lite @ Rs.5,000/- per month only, this Court does not find that the order under challenge fixing the maintenance pendente lite needs interference.

Revision petition is dismissed.

22.03.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No