

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

Civil Revision No.79 of 2018 (O&M)
Decided on:-January 10, 2018.

Mandeep Kaur.

.....Petitioner.

Versus

Darshan Dass.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Loveinder Kaur Brar, Advocate
for the petitioner.

HARI PAL VERMA, J.

Petitioner Mandeep Kaur has filed the present civil revision petition under Article 227 of the Constitution of India impugning the order dated 08.11.2017 passed by learned Additional District Judge, Sangrur, whereby the respondent-husband has been directed to pay Rs.4,000/- per month to the petitioner-wife in an application filed by the petitioner under Section 24 of the Hindu Marriage Act, 1955 (for short, the Act). The petitioner, therefore, has sought enhancement of maintenance so awarded by the trial Court under Section 24 of the Act.

Briefly stated, the petition under Section 13 of the Act for dissolution of the marriage by way of a decree of divorce has been filed by the petitioner-wife. While the aforesaid petition was pending before the matrimonial Court, the petitioner-wife had moved an application under Section 24 of the Act claiming pendent lite maintenance @ Rs.20,000/- per month along with litigation expenses of Rs.20,000/-. However, taking into

consideration the income of respondent-husband, the Court had allowed maintenance @ Rs.4,000/- per month from the date of application to the petitioner and her children. In addition to the aforesaid amount of maintenance, litigation expenses of Rs.5,000/- have also been awarded to the petitioner.

Learned counsel for the petitioner has argued that the petitioner is a house-wife and has no source of income. She has no landed property in her name and at present, she is residing at her parental home. She is duty bound to maintain her children, whereas the respondent-husband is an able bodied person and he is legally bound to maintain the petitioner-wife and children. Apart from being an electrician, the respondent is possessing land, sells milk and is earning a handsome amount of about Rs.50,000/- per month. Therefore, the claimed maintenance and litigation expenses in the application under Section 24 of the Act were liable to be allowed, but the trial Court has awarded only a meagre amount.

I have heard learned counsel for the petitioner.

In the aforesaid application filed under Section 24 of the Act, the respondent-husband has filed his reply, wherein he has stated that though he is working as an electrician, but his monthly income is Rs.6,000/- per month and he is working with an electricity shop. He has denied that he owns land. He has further pleaded that the petitioner-wife is doing the work of beauty-parlour and is earning Rs.5,000/- per month, which is sufficient for her maintenance.

It is settled proposition of law that in the application under Section 24 of the Act, the interim maintenance is required to be allowed on the basis of pleadings on the touchstone of broad probabilities. Since no such evidence has come on record that the respondent-husband is owner of the land or is selling milk by running a dairy farm, the matrimonial Court has rightly considered his income as Rs.10,000/- per month approximately. The respondent is stated to be maintaining his parents also. Therefore, considering his monthly income as Rs.10,000/-, the Court has fixed a fair maintenance of Rs.4,000/- per month that too from the date of the application, so that the petitioner-wife and her two children can be maintained. Therefore, this Court does not find any illegality in the impugned order passed by the matrimonial Court.

Accordingly, the impugned order dated 08.11.2017 passed by learned Additional District Judge, Sangrur is affirmed and the instant civil revision petition, being devoid of any merit, is dismissed.

It is, however, made clear that the observations made hereinabove shall not be construed as an opinion on the merits of the petition under Section 13 of the Act and the Court shall decide the case on the basis of evidence so led by the parties without being influenced by this order.

January 10, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No