

In the High Court of Punjab and Haryana at Chandigarh

.....

Civil Revision No.8503 of 2016

.....

Date of decision:30.5.2018

Gaurav

.....Petitioner

v.

Kanchan and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Veneet Sharma, Advocate for the petitioner.

None for the respondents.

.....

Inderjit Singh, J.

This civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 13.10.2016 (Annexure-P.4) passed by the learned Additional District Judge, Amritsar, whereby application filed by applicant-Kanchan (wife) under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'HMA') for grant of maintenance pendente lite as well as litigation expenses has been allowed.

Notice of motion was issued in this case.

Earlier Mr. Rishu Mahajan, Advocate has put in appearance on behalf of the respondents, but after 1.5. 2017 no one has appeared for the respondents.

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

From the record, I find that the present petitioner has filed a petition under Section 13 of the HMA for dissolution of marriage by granting decree of divorce on the ground of cruelty as well as adultery. During the pendency of the petition, an application under Section 24 of the HMA for grant of ad interim maintenance and litigation expenses had been filed.

The learned Additional District Judge, Amritsar, vide impugned order dated 13.10.2016 accepted the application and maintenance pendente lite @ ₹7500/- per month was granted to the wife-applicant and further ₹5,000/- has been granted as litigation expenses.

The marriage between Gaurav and Kanchan has been admitted. The present petitioner is alleging that the wife is residing in adultery but there is no document on record to show that she is residing with respondent No.2 in adultery. This fact is yet to be proved by the petitioner by leading evidence in the petition filed under Section 13 of the HMA.

The applicant-wife admitted in her application that she is doing a petty job to take IELTS classes and to teach English speaking to students and she get a very meager salary of ₹6,000/- per month from the said job. Out of the amount of ₹6,000/- more than ₹3,000/- is required for conveyance charges and she is hardly left with any amount and she is totally dependent upon her parents for her maintenance.

The case of respondent-husband (petitioner herein) is that she is earning ₹20,000/-, but there is no cogent documentary evidence on record to

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prove the version of the respondent-husband. It is admitted fact that minor daughters are living with the present petitioner. Though the applicant-wife alleged that the husband is earning ₹50 Lakhs from all sources and belongs to a very influential family, but the income-tax return filed by him shows that he is earning ₹3,66,794/- per annum i.e. about ₹33,000/- per month.

The learned Additional District Judge, Amritsar, has already taken into consideration that the minor daughters are residing with the present petitioner (husband) and they are studying in one of the best schools of Amritsar. Keeping in view of these facts, the learned Additional District Judge, Amritsar, granted a maintenance pendente lite of ₹7,500/- per month and ₹5,000/- as litigation expenses.

In no way, the amount granted by the learned Additional District Judge, Amritsar, can be held as excessive nor, in any way, it can be held that the applicant-wife (respondent herein) is not entitled to any maintenance. While passing the impugned order, no illegality has been committed by the Court below and the same is correct as per law and it does not require any interference from this Court and is upheld.

Finding no merit in this civil revision petition, the same is accordingly dismissed.

May 30, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No