

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

Civil Revision No.954 of 2018.
Decided on:-February 14, 2018.

Yogesh Kumar.

.....Petitioner.

Versus

Neetu and others

.....Respondents.

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

Present:- Mr. Vishal Yadav, Advocate
for the petitioner.

HARI PAL VERMA, J.

The petitioner has filed present revision petition under Article 227 of the Constitution of India for setting aside the order dated 10.01.2018 (Annexure P-4) passed by learned Additional Sessions Judge, Rewari, whereby on an application filed under Section 24 of the Hindu Marriage Act, 1955 (for short, the Act), learned matrimonial Court while allowing the said application has granted ad interim maintenance to the tune of Rs.10,000/- per month to the respondent-wife from the date of application. The wife has further been granted a sum of Rs.25,000/- towards litigation expenses.

Briefly stated, the petitioner had filed a petition before the matrimonial Court for dissolution of marriage by way of a decree of divorce under Section 13(1)(i) and 13(1)(ia) of the Act. While the said petition was pending before the matrimonial Court, the respondent-wife had moved the

aforesaid application under Section 24 of the Act seeking interim maintenance.

Learned counsel for the petitioner has argued that the matrimonial Court has passed the impugned order without appreciating the facts. The respondent-wife is well educated and possesses a master's degree in science and is a qualified B.Ed teacher. She is presently employed in West Academy, Pataudi, Gurgaon as a PGT teacher of Biology w.e.f. 01.04.2016 and is drawing a handsome salary of Rs.40,530/- per month. Therefore, she is able to maintain herself. However, learned matrimonial Court has not taken into consideration this fact. Further, the respondent-wife has also been selected as a PGT Biology lecturer by Navodaya Vidyalaya Samiti. Therefore, it cannot be said that she has no source to maintain herself. The provisions of Section 24 of the Act can be invoked only when the wife is unable to maintain herself. The respondent-wife being well placed and well employed is not entitled to interim maintenance. However, the impugned order dated 10.01.2018 passed by learned matrimonial Court is based on no reasons and has erroneously been passed, ignoring the income of the respondent-wife, whereas the petitioner-husband is not financially well off.

I have heard learned counsel for the petitioner-husband.

While moving the application under Section 24 of the Act, the respondent-wife had pleaded that she has been forcibly ousted by the petitioner-husband from her matrimonial home on 20.02.2016 and since then, he has not cared about her maintenance. The provisions of Section 24 of the Act are interim in nature as under this Section, maintenance is awarded

pendente lite. It has been pleaded by the respondent-wife that she is no more working. The petitioner-husband has claimed his gross income to the tune of Rs.3,63,655/- as per income tax return for the assessment year 2016-17. The petitioner has claimed that he is a very well educated young entrepreneur and founder director of a fledgling company, namely, Radiant Web Technology Pvt. Ltd. This company has won several accolades including Young Achievers Award from Mrs. Shiela Dixit, former Chief Minister of Delhi. Therefore, learned matrimonial Court has suitably awarded maintenance of Rs.10,000/- per month to the respondent-wife as an interim measure.

Moreover, this Court cannot ignore the fact that in the divorce petition filed by the petitioner-husband, the respondent-wife must have spent a considerable amount to pursue her case. Even otherwise, taking into consideration the status of the parties, this Court does not find that the interim maintenance as awarded by learned matrimonial Court is on the higher side. Therefore, there is no illegality or irregularity in the impugned order dated 10.01.2018 passed by learned matrimonial Court.

Accordingly, affirming the impugned order dated 10.01.2018 passed by learned Additional District Judge, Rewari, the present civil revision, being devoid of any merit, is dismissed.

February 14, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No