

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

230

FAO-1135-2017 (O&M)
Date of Decision: 17.12.2018

NEERAJ GAHLAUT

....Appellant

ANJALI GAHLAUT

.... Respondent.

AND

FAO-1573-2017 (O&M)

230/A

ANJALI GAHLAUT

....Appellant

Vs.

NEERAJ GAHLAUT

.... Respondent.

**CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Raman Mahajan, Advocate
for the appellant in FAO-1135-2017
for the respondent in FAO-1573-2017.

Mr. D.K. Jangra, Advocate
for the appellant in FAO-1573-2017
for the respondent in FAO-1135-2017.

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of two appeals bearing FAO No.1135 of 2017 and 1573 of 2017 filed by both husband and wife, challenging the order dated 15.12.2016 passed by the Guardian Judge, Chandigarh in a petition filed by the wife, under Section 25 of the Guardian and Wards Act, 1980 for seeking the custody of the male children namely Shaurya and Achint.

The marriage of the parties was solemnized on 9.2.2004. They were blessed with two children namely, Shaurya on 21.12.2004 and Achint on 6.1.2009. The husband filed a petition for seeking divorce on 8.9.2012 in the Court at Delhi which was ultimately transferred to Chandigarh. The said petition has, however, been withdrawn on 5.11.2018 whereas the custody of both the children were given to the wife on 2.11.2018. The present appeals have been filed by both the husband and wife separately because the learned trial Court had given custody of the elder son to the father and younger son to the mother. It was also ordered that the father would give ₹ 7,000/- per month for the maintenance of the younger son who has been given in the custody of the mother.

Learned counsel for the father who has filed the first appeal (FAO-1135-2017) has prayed that he may be allowed to withdraw this appeal.

Dismissed as withdrawn.

Insofar as the second appeal (FAO-1573-2017) is concerned, learned counsel for the appellant has submitted that since the custody of both the children is with the mother, therefore, the other son whose custody has also been given to her, may also be given ₹ 7,000/- as maintenance for his upbringing. In this regard, counsel for the appellant has submitted that the husband of the appellant has recently joined the legal profession after completing his LL.B. and is not earning much to pay the aforesaid amount of ₹ 14,000/-.

After hearing learned counsel for the parties and keeping in view the aforesaid facts and circumstances, we are of the considered opinion that it would be just and expedient if the respondent husband

pay ₹ 10,000/- in all as maintenance to the appellant wife towards the maintenance of both the children.

In view of above, the second appeal (FAO-1573-2017) is disposed of.

It is made clear that since ₹ 7,000/- is already being paid towards maintenance, therefore, we are not interfering in the same. Now additional amount of ₹ 3,000/- is ordered to be paid from the date of passing of this order as maintenance.

Photocopy of this order be placed in the connected file.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

17.12.2018.

SwarnjitS

Whether speaking/reasoned :
Whether reportable :

YES/NO
YES/NO