

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

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**CM-6734-CII-2014 in/and
FAO-M-143-2014 with
CMM-134-2016
Date of decision: 24.04.2018**

Jasdev Singh

..Appellant

Vs.

Rajwinder Kaur

..Respondent

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Inderjit Sharma, Advocate
for the appellant.

Mr. Amit Aggarwal, Advocate
for the respondent.

M.M.S. BEDI, J.(ORAL)

Counsel for the appellant prays for withdrawal of the appeal instead of paying the amount of arrears.

The appellant-husband had filed a petition under Section 13 of the Hindu Marriage Act, for dissolution of his marriage with the respondent-wife. The said petition was dismissed vide judgment dated 13.08.2013. The appellant preferred the present appeal against the order dated 13.08.2013. The appeal has been pending before this Court for the last about 4 years.

The respondent-wife has filed an application under Section 24 of the Hindu Marriage Act, claiming maintenance pendente lite as well as litigation expenses. The applicant-respondent-wife has averred that she is maintaining two sons born out of the wedlock. Appellant-husband was

residing at Dubai prior to solemnization of marriage. The respondent-wife had solemnized the marriage with an objective to move to Dubai. It is averred the the appellant-husband is holding professional degree of M.B.A and Civil Engineering and was earning ₹ 5 lacs per month. The appellant was working for a company 'Bentley Prince Street' as Sales Manager and was drawing a monthly salary of USD 40,000/- per month which is stated to be ₹ 2,50,000/- per month. Later on, he worked in Kuwait with Carpetland Company on the monthly salary of ₹ 2,76,000/- equivalent to Kuwaiti Dinars 1,200/-. Salary certificate has been placed on record as Annexure R-3. The appellant-husband has also got rental income from the property, mentioned in para 10 of the application besides owing an ancestral house in Dehradun and having 50% share in a house at Amritsar. Submitting the details of the expenditure which is being incurred by the respondent-wife, she has claimed maintainance pendente lite at the rate of ₹ 2 lacs per month for herself as well as minor children and also litigation expenses of ₹ 50,000/-.

In the reply, it has been averred that appellant is paying a sum of ₹ 18,000/- per month to the respondent-wife and each son, fixed in proceedings under Section 125 of the Cr.P.C. He has filed his income certificate.

We have considered the averments in the application which are supported by affidavit as well as documents indicating income of the appellant-husband. The appellant-husband has denied the averments in the application under Section 24 of the Hindu Marriage Act. The employment contract and certificate issued by Carpetland company to the effect that the appellant is working as Salesman and his monthly income is Kuwaiti Dinars

Taking into consideration the educational qualification of the appellant which is stated to be MBA and Civil Engineering and the salary certificate put forward by him which has not been supported by any affidavit, we are of the opinion that the income of the appellant-husband would not be less than ₹ 2.5 lacs per month as claimed by the respondent-wife. Presuming that he has to incur some expenditure on his personal living and survival, the wife is held entitled to the maintenance pendente lite at the rate of ₹ 75,000/-per month. The said amount will be payable from the date of application i.e. August, 2016. A sum of ₹ 50,000/- is assessed as litigation expenses.

For payment of the entire arrears of maintenance pendente lite, calculated till 31.07.2017 and litigation expenses, adjourned to 27.07.2018.

At this stage counsel for the appellant has again pressed his request that he has got instructions to withdraw the appeal.

The appeal is permitted to be withdrawn without prejudice to the right of the respondent-wife to seek the execution of the order of maintenance in accordance with law. The appeal is dismissed as withdrawn and the order dismissing the petition for divorce filed by the appellant is affirmed.

(M.M.S. BEDI)
JUDGE

(GURVINDER SINGH GILL)
JUDGE

April 24, 2018
Poonam(II)

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No