

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

**FAO-7761 OF 2016  
DECIDED ON : 16.8.2018**

**Pooja**

**...Appellant**

**versus**

**Kulbir Singh**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE M. M. S. BEDI  
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present : Mr. Munish Kumar Garg, Advocate,  
for the appellant.

Mr. B. S. Bairagi, Advocate,  
for the respondent.

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

The respondent-husband is earning a sum of ₹26,000/- per month, being an employee of the Postal Department. During the pendency of the petition under Sections 12 and 13 of the Hindu Marriage Act, the applicant/appellant-wife has been awarded a sum of ₹5000/- as maintenance *pendente lite* in an application under Section 24 of the Hindu Marriage Act, vide order dated 20.10.2016. The said order has been impugned in the present appeal, claiming the said amount to be inadequate.

On asking of the Court if the appellant has been awarded any maintenance in other proceedings, counsel for the

appellant has informed that the appellant has been awarded a sum of ₹10,000/- per month as interim maintenance, in proceedings under Section 125 Cr.P.C. He has informed that the said order has been passed after the passing of impugned order dated 20.10.2016. No material has been placed on record indicating that the appellant-wife is earning. The respondent-husband, being a government employee as Sub Post Master, is earning.

We have considered the salary of the respondent, who is having basic pay of ₹14,610/- and getting DA of ₹17,386/-, besides different allowances. The total salary is approximately ₹35,500/- in February, 2016. We take judicial notice of the fact that pursuant to the 7<sup>th</sup> pay commission, the salaries have been enhanced.

Counsel for the applicant-appellant submits that the total salary of the respondent, at present, is more than ₹50,000/-.

We have taken into consideration the deductions and are of the opinion that the salary of respondent might be more than ₹40,000/-. Even if it is presumed that he has taken a loan of ₹3,00,000/-, as asserted by counsel for the respondent, serious prejudice cannot be caused to the appellant so far as claim under Section 24 of the Hindu Marriage Act is concerned.

We find that the maintenance *pendente lite*, not less than ₹12,000/-, could be awarded to the appellant-wife. The order dated 20.10.2016 is, therefore, modified and it is ordered

that the applicant-appellant will be entitled to maintenance *pendente lite* at the rate of ₹12,000/- per month. It is clarified that any amount assessed towards the interim maintenance in proceedings under Section 125 Cr.P.C, will be adjustable against the amount awarded. This amount will be payable with effect from the date of application before the lower Court i.e 11.8.2016. The appellant can claim the arrears after adjustment, by moving an application before the lower Court.

No ground for interference is made out, in litigation expenses awarded by the lower Court.

The appeal is allowed in above said terms.

**(M. M. S. BEDI)**  
**JUDGE**

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**AUGUST 16, 2018**  
shalini

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|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned : | YES/NO |
| 2. | Whether reportable :        | YES/NO |