

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. FAO-1284-2018 (O&M)
Date of Decision:- 16.4.2018

Amit Dalal ... Appellant

Versus

Ritu Mor ... Respondent

2. FAO-1285-2018 (O&M)

Amit Dalal ... Appellant

Versus

Ritu Mor ... Respondent

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

Present:- Mr. Akashdeep Singh, Advocate for the appellant.

M.M.S. BEDI, J.

We propose to dispose of the aforementioned two appeals by a single order as both the appeals arise out of an order passed on 30.1.2018 deciding application under Section 24 of the Hindu Marriage Act, 1955.

The brief facts relevant for the decision of both the abovesaid appeals are that the appellant Amit Dalal had filed a petition for divorce under Section 13 of the Hindu Marriage Act in the Family Court at Rohtak on 13.12.2016, whereas the respondent-wife Ritu Mor had filed a petition under Section 9 of the Hindu Marriage Act, 1955 before the Family Court,

Hisar on 26.4.2017. The respondent-wife Ritu Mor had also filed a petition under Section 24 of the Hindu Marriage Act, 1955 on 26.4.2017 alongwith her petition under Section 9 of the Hindu Marriage Act, 1955. Since the proceedings under Sections 13 and 9 of the Hindu Marriage Act, 1955 were pending in different districts, both stood transferred to District Hisar. The respondent-wife had also preferred an application under Section 24 of the Hindu Marriage Act, 1955 in the divorce petition under Section 13 of the Hindu Marriage Act, 1955 filed by her husband, on 25.1.2018. Vide impugned order, the claim of the respondent-wife under Section 24 of the Hindu Marriage Act, 1955 in her both the applications (dated 26.4.2017 and 25.1.2018) has been decided and she has been awarded maintenance @ ₹ 15,000/- per month. Both the applications under Section 24 of the Hindu Marriage Act, 1955 have been allowed with effect from the date of filing of the application, meaning thereby that she has been granted maintenance @ ₹ 15,000/- per month in her proceedings under Section 9 of the Hindu Marriage Act, 1955 with effect from 26.4.2017 and has been awarded another sum of ₹ 15,000/- per month with effect from 25.1.2018 in proceedings under Section 13 of the Hindu Marriage Act, 1955 filed by her husband.

We have considered the main contention of learned counsel for the appellant that the application under Section 24 of the Hindu Marriage Act, 1955 has been allowed with effect from the date of filing of the petition implying thereby that the respondent-wife would be entitled to maintenance *pendente lite* with effect from 14.12.2016, whereas she has filed this application only on 25.1.2018. The arguments of learned counsel for the appellant seem to be based upon misconceived notion that the application

under Section 24 of the Hindu Marriage Act, 1955 has been allowed with effect from the date of filing of the petition under Section 13 of the Hindu Marriage Act, 1955. The non-mentioning of the specific date for filing of the petition would imply the same to be the date on which the application under Section 24 of the Hindu Marriage Act, 1955 was filed in proceedings under Section 13 of the Hindu Marriage Act, 1955.

So far as the order passed in application under Section 24 of the Hindu Marriage Act, 1955 in proceedings under Section 9 of the Hindu Marriage Act is concerned, a sum of ₹ 15,000/- per month has been awarded with effect from the date of filing of the petition, which in said case is 26.4.2017 implying thereby that the respondent-wife would be entitled to maintenance *pendente lite* with effect from 26.4.2017.

With the abovesaid clarification, we do not find any ground to interfere in the order regarding the date from which the amount of maintenance is to be paid. We have also considered the contention of learned counsel for the appellant-husband regarding quantum of the maintenance, which has been awarded to the respondent-wife. The appellant-husband is an Advocate and is maintaining two minor daughters borne out of the wedlock. It appears that the respondent-wife has also claimed the custody of the said daughters by availing her rights under Section 26 of the Hindu Marriage Act, 1955.

We are of the opinion that a sum of ₹ 15,000/- per month is a bare minimum required for the respondent-wife to prevent starvation and to live a respectable life.

We do not find any ground to interfere in the quantum of maintenance awarded to the respondent-wife. The respondent-wife is

entitled to the maintenance pendente lite commensurate to the status of the appellant-husband.

In view of said circumstances, no ground is made out to interfere in the orders passed by the Family Court, Hisar. Both the appeals are dismissed with abovesaid clarification.

(M.M.S. Bedi)
Judge

16.4.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No