

FAO-M-219-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-M-219-2018.

Decided on: September 28, 2018.

Rohit Chawla

.. Appellant

VERSUS

Swati

.. Respondent

*** * ***

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

*** * ***

**PRESENT Ms.Anju Arora, Advocate, and
Ms.Saigeeta Srivastva, Advocate,
for the appellant.**

**Mr.Vinod S. Bhardwaj, Advocate,
for the respondent.**

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

This is an appeal against an order granting a sum of Rs.10,000/- per month as maintenance pendente lite to the respondent-wife under Section 24 of the Hindu Marriage Act, in proceedings under Section 13 of the Hindu Marriage Act.

On 20.7.2018, notice of motion was issued merely to explore the possibility of any amicable settlement.

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Counsel for both the parties inform that the mediation has failed.

Counsel for the appellant has submitted that in view of the nature of the litigation, the respondent-wife is not entitled for any maintenance because the appellant-husband is seeking to get the marriage declared nullity under Section 11 of the Hindu Marriage Act. Counsel for the appellant has also vehemently urged that the respondent being not the legally wedded wife, the provisions of Section 24 of the Hindu Marriage Act, will not make her entitled to any maintenance pendente lite.

We have carefully considered the said contention and are of the opinion that the wording of Section 24 of the Hindu Marriage Act entitles a spouse for maintenance pendente lite ***“in any proceedings under the Act.”***

In view of said circumstances, we do not find any force in the contention of the learned counsel for the appellant and dismiss this appeal finding no reasons to interfere in the impugned order. However, it is directed that the trial Court shall make earnest endeavour to conclude the proceedings expeditiously.

(M.M.S. BEDI)
JUDGE

September 28, 2018.
raj arora

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No