

In the High Court of Punjab and Haryana at Chandigarh

1. FAO-M-28-2018 (O&M)
Date of decision: 17.4.2018

Simarpreet Singh*Appellant*

Versus

Parminder Kaur and others*Respondents*

2. FAO-M-101-2018 (O&M)

Parminder Kaur and others*Appellants*

Versus

Simarpreet Singh*Respondent*

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

Present : Mr. Kartikeya Swaroop Mehta, Advocate,
for the appellant in FAO-M-28-2018.

Mr. Manoj Vashishtha, Advocate,
for the appellants in FAO-M-101-2018 and
for the respondents in FAO-M-28-2018.

Gurvinder Singh Gill J.

1. This order shall dispose of the above mentioned two appeals as challenge therein is to the same order i.e. to order dated 1.12.2017 passed by the Court of learned Additional District Judge, Ludhiana, whereby an application under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as "*the Act*") filed on behalf Parminder Kaur (hereinafter referred to as "*the wife*") during the pendency of a petition under Section 13 of Act has been accepted and maintenance *pendente lite* @ ₹ 20,000/- per month to the wife and

₹ 5,000/- per month to each of the two minor children has been awarded apart from litigation expenses to the tune of ₹ 11,000/-. While the wife has challenged the said order seeking enhancement of the maintenance, the husband, by way of filing another appeal seeks setting aside of the order granting maintenance.

2. A few facts necessary to notice for disposal of the aforesaid appeals are that Simarpreet Singh (hereinafter referred to as “*the husband*”) filed a petition under Section 13 of the Act seeking dissolution of his marriage stating therein that the marriage of the parties had been solemnized on 6.4.2003 and two children were born out of the wedlock. However, the marriage not having worked well, the petition was filed for grant of divorce on the ground of cruelty.
3. During the pendency of the aforesaid divorce petition, the wife filed an application under Section 24 read with Section 26 of the Act, seeking grant of maintenance *pendente lite* to the tune of ₹ 25,000/- per month and litigation expenses to the tune of ₹ 55,000/- on the ground that she has no source of income and that her children are school going and huge expenditure in the shape of school fee, travelling fee, uniform, tuition fee etc. is required to be incurred. The wife asserted that her husband is working as Chief Manager in the Bank of India and earning around ₹ 98,000/- per month. The application was opposed by the husband.
4. The learned trial Court while noticing the admitted facts pertaining to the factum of marriage of the parties and that the husband is working as Chief Manager in Bank of India and that the parties have two school going children, awarded maintenance to the wife @ ₹ 20,000/- per month and to each of the

two children @ ₹ 5,000/- per month apart from litigation expenses to the tune of ₹ 11,000/- vide order dated 1.12.2017. Both the parties, being aggrieved by the said order, have challenged the same by way of filing separate appeals.

5. The learned counsel for the husband while assailing the impugned order granting maintenance has submitted that in fact a majority of day-to-day expenses of the wife are already being borne by the husband including her telephone bill, her kitchen expenses and that the car and scooter being used by her had also been purchased by the husband and she is also residing in the house of father of the husband. The learned counsel has further submitted that though the gross salary of the husband is ₹ 98,000/- but after statutory deductions his carry home salary is barely about ₹ 60,000/-. The learned counsel has further submitted that the wife had concealed material information and had not come out with clean hands and that in these circumstances the impugned order deserves to be set aside qua grant of maintenance to the wife, while the same may be maintained qua grant of maintenance to the children.
6. On the other hand, learned counsel representing the wife has submitted that the impugned order is well reasoned and has been passed after taking into account the admitted salary of the husband and the genuine requirements of the wife and the school going children and that there is no infirmity in the same but for inadequacy of amount of maintenance which is required to be enhanced considerably as has been prayed in the application.
7. We have considered the rival submissions addressed before this Court. The factum of marriage between the parties is not disputed. It is also not disputed that the husband is working as Chief Manager in the Bank of India and drawing salary of ₹ 98,000/- per month. Even after deductions, the carry home

salary of husband is approximately ₹ 63,000/- per month.

8. The parties have two school going children i.e. son Vikramjeet aged 12 years and daughter Charan Noor Kaur aged 9 years. Bearing in mind the status and earning of the husband, his wife is also expected to live in accordance with the same status. The children are also to be imparted quality education in good schools. The school going children have various requirements in terms of their education and extra curricular activities. Bearing all these factors in mind, in our opinion, the order granting maintenance *pendente lite* to the wife @ ₹ 20,000/- per month and ₹ 5000/- per month to each of the two minor children apart from the litigation expenses to the tune of ₹ 11,000/- cannot be termed to be unreasonable by any standards. Rather, this is the bare minimum amount that would be required by the wife and the two children to maintain themselves and to provide them for the school fee etc. The said amount is fairly reasonable keeping in view the carry home salary of the husband. The same also does not even justify any enhancement.
9. We do not find any infirmity in the impugned order so as to justify any interference in the same. There is no merit in either of the appeals and the same are hereby dismissed, though the delay of 17 days in filing the appeal by wife i.e. FAO-M-101 of 2018 is condoned.

(M.M.S.Bedi)
Judge

(Gurvinder Singh Gill)
Judge

17.4.2018
Pankaj

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No