

236 **CMM-49-2016 and/in**
 FAO-317-M-2005

JASBIR SINGH
V/S
SUKHJIT KAUR

Present: Mr. Vishal Rattan Lamba, Advocate,
 for the applicant-respondent.

 Mr. Inderjeet Singh, Advocate,
 for the non-applicant/appellant.

CMM-49-2016

 This application has been filed under Section 24 of the Hindu Marriage Act for enhancement of maintenance pendente lite from Rs.15,000/- per month awarded vide order dated 17.02.2012 to Rs.30,000/- per month, in view of increase of income of the non-applicant/appellant-husband, in order to enable the applicant/respondent-wife to meet the living as well as the educational and other expenses of the son of the parties.

 Vide order dated 17.02.2012, a sum of Rs.8,000/- and Rs.7,000/- was assessed for the mother and the son respectively as amount of the maintenance pendente lite in view of the fact that the non-applicant/appellant-husband was earning a sum of Rs.40,000/- per month by working as Pharmacist. It is claimed that monthly salary of the husband has enhanced to Rs.58,890/- per month. There is apparently increase of salary to the extent of Rs.17,000/-.

 Vide order dated 21.12.2017, it was specifically ordered that in case reply is not filed, the application will be decided on the basis of material provided by the applicant-respondent. Non-applicant/appellant-husband has failed to file any reply or documents to oppose the application.

 Annexures P-10 to P-14 have been placed on record to establish

 that the salary of the non-applicant/appellant-husband is Rs.58,890/-. The

documents Annexure P-13 and P-14 show that 6 acres of land is owned by the non-applicant/appellant-husband.

Taking into consideration the above said circumstances, we find that on account of escalation of prices and the needs of the son, born out of the wedlock, the maintenance amount awarded for mother and son, can be enhanced.

Order dated 17.02.2012 is hereby modified and it is ordered that the applicant/respondent-wife will be entitled to enhanced maintenance of Rs.2000/- each i.e. mother would be entitled to maintenance @ Rs.10,000/- per month and the son will be entitled to maintenance @ Rs.9,000/-, as such the total amount of interim maintenance is enhanced from Rs.15,000/- to Rs.19,000/- per month with effect from the date of this order. The applicant/respondent-wife will be entitled to receive the said amount.

The application under Section 24 of the Hindu Marriage Act is allowed in the aforesaid manner.

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The appeal is already ordered to be listed for final disposal on 16.02.2018. This will be subject to clearance of entire arrears of maintenance.

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

January 15, 2018.
harsha

**(GURVINDER SINGH GILL)
JUDGE**