

Gurpreet Singh

Vs.

Ripandeep Kaur and another

Present: Ms. Manjeet Kaur, Advocate for
Mr. Karanjit Singh, Advocate
for the appellant.

Mr. H.P.S. Ishar, Advocate
for respondent No. 1.

Parties are present in person. Efforts made for bringing about reconciliation failed. Application under Section 24 of the Hindu Marriage Act filed by the applicant/respondent No. 1-wife claiming a sum of ₹25,000/- per month as maintenance *pendente lite* and litigation expenses of ₹33,000/-, has accordingly been taken up for hearing.

It is averred in the application that the non-applicant/appellant-husband is an expert massager and is doing the work of fixing dislocated bones and slip disc by traditional methods. His daily earning is ₹2000/- to ₹3000/-. It has been averred that he has got adequate source of income, whereas the applicant/respondent No. 1-wife is staying with her parents at their mercy. She is also looking after her minor daughter born out of the wedlock, who is studying in 2nd class and the entire education expenditure is borne by her.

The non-applicant/appellant-husband has filed reply denying his income but it is admitted that he is doing the work as massager in Village Amla Singh Wala, District Barnala. He has claimed that he is looking after a son born out of the wedlock, who is studying in 5th class.

We have considered the facts and circumstances of the case.

The income of the non-applicant/appellant-husband is to be assessed on the basis of some estimation as he does not seem to be maintaining any record regarding the work done by him. The non-applicant/appellant-husband has admitted himself to be an expert in his work. A sum of ₹5000/- per month was

awarded to the applicant/respondent No. 1-wife as maintenance pendente lite in the year 2013. After passage of 5 years, the prices have increased immensely as such judicial notice is taken of the said fact and it is expected that the income of the non-applicant/appellant-husband must have been increased. The non-applicant/appellant-husband cannot be absolved from his statutory liability to maintain his wife and daughter during pendency of the appeal. Considering him to be an able bodied person, his income would not be less than ₹30,000/- per month. A sum of ₹10,000/- per month towards maintenance pendente lite is considered to be a reasonable amount payable to the applicant/respondent No. 1-wife. Ordered accordingly. The said amount will be payable to the applicant/respondent No. 1-wife with effect from the date of application i.e. July, 2016. It is made clear that the amount of ₹5,000/- per month, if paid, in any other proceedings would be adjustable against the amount awarded by this Court. A sum of ₹33,000/- is also awarded towards the litigation expenses. ₹20,000/- already paid as interim litigation expenses will be deductible from the said amount.

Application under Section 24 of the Hindu Marriage Act is allowed in the above manner.

Adjourned to 20.11.2018 for payment of arrears of maintenance pendente lite calculated up to 30.11.2018 and balance of interim litigation expenses.

(M.M.S. BEDI)
JUDGE

August 30, 2018
kanchan

(ANUPINDER SINGH GREWAL)
JUDGE