

SATISH @ BITTOO V/S SURESH DEVI

Present: None for the non-applicant/appellant.

Mr. K.L. Saini, Advocate, for
Mr. Ashwani Gaur, Advocate, for the applicant/respondent.

Applicant/respondent-wife has filed an application under Section 24 of the Hindu Marriage Act seeking maintenance pendente lite @ Rs.25,000/- per month claiming that the non-applicant/appellant-husband is running the business of transport. He has got income from two and half acres of ancestral land in the name of minor son born out of the wedlock. The minor son is studying in 8th standard but the income derived from his land is being utilised by the non-applicant/appellant-husband. It is averred in the application that the non-applicant/appellant-husband is earning a sum of Rs.2500/- per month from each of the labourer who have been rented out 40 rooms. He is also owner of two shops which have been constructed on the ground floor of the house in which the applicant/respondent-wife is residing which have been rented out to two doctors at the rate of Rs.5000/- each per month. It is further averred that the non-applicant/appellant-husband has installed a RO water plant in the village from which also he has got earning. Though, in support of the application, an affidavit has been filed by the applicant/respondent-wife but any material indicating the actual income of the non-applicant/appellant-husband from any of the sources, has not been produced.

The respondent has failed to file reply of the application despite having been given reasonable opportunities to file reply to the application and contest the same.

The applicant/respondent-wife has disclosed that a sum of

Rs.3,000/- per month has been awarded as maintenance in proceedings under Section 125 Cr.P.C.

Though the applicant/respondent-wife has not filed any document indicating the exact income from all the sources mentioned in the application but the non-applicant/appellant-husband has also not come forward to deny the same. It would be deemed to be implied admission regarding the various sources.

The non-applicant/appellant-husband is statutorily bound to maintain his wife who claims that she does not have any source of income.

It is ordered that the applicant/respondent-wife will be entitled to maintenance pendente lite at the rate of Rs.8,000/- per month. A sum of Rs.3,000/-, if paid, as per the order passed in proceedings under Section 125 Cr.P.C, will be deductible from the said amount. The amount of maintenance pendente lite will be payable with effect from the date of application i.e. September, 2016. Litigation expenses of Rs.30,000/- will also be payable to the applicant/respondent-wife. A sum of Rs.20,000/- earlier paid will be deductible from the said amount.

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

For payment of entire arrears of maintenance and balance of litigation expenses, adjourned to 09.05.2018.

(M.M.S. BEDI)
JUDGE

January 30, 2018.
harsha

(GURVINDER SINGH GILL)
JUDGE