

**SONU
V/S
KAPIL**

Present: Mr. Gaurav Jain, Advocate, for the appellant-wife.

None for the respondent-husband.

Claiming that she was unable to earn and was dependent on her parents, the appellant-wife has sought maintenance pendente lite by filing an application under Section 24 of the Hindu Marriage Act to the extent of Rs.15,000/- per month besides litigation expenses of Rs.21,000/-.

It is averred in the application that the respondent-husband is working as commission agent and property dealer and is also having agricultural land besides having moveable and immovable property in his name and was earning sum of Rs.50,000/- per month.

No reply has been filed by the respondent-husband despite repeated opportunities having been given. Reply has not been filed today even. No one has put in appearance on behalf of the respondent-husband to deny the averments in the application.

We have taken into consideration the facts and circumstances of this case. Though, we do not have any documentary evidence before us to determine the actual income of the respondent-husband but on the basis of his implied admission and taking into consideration the fact that a sum of Rs.4000/- per month has been awarded to the wife by the Chief Judicial Magistrate, Fatehabad, in proceedings under Section 12 of the Protection of Women from Domestic Violence Act, the respondent-husband is held liable to pay the maintenance pendente lite.

The respondent-husband being an able bodied person, capable of earning, having not denied to be working as commission agent/property dealer, having own agricultural land, it can be presumed that he would be earning not less than a sum of Rs.30,000/- per month.

In view of said circumstances, application under Section 24 of the Hindu Marriage Act, is allowed. The appellant-wife is awarded a sum of Rs.10,000/- per month as maintenance pendente lite. The said amount will be payable with effect from the date of application i.e. May, 2015. Litigation expenses are assessed at Rs.21,000/-. It is made clear that in case the respondent-husband has already paid any amount in any other proceedings of maintenance to the appellant-wife, the said amount would be deductible from the amount awarded by this Court.

For payment of arrears of maintenance pendente lite calculated upto 31.07.2018 and the litigation expenses, adjourned to 24.07.2018.

(M.M.S. BEDI)
JUDGE

March 22, 2018.
harsha

(GURVINDER SINGH GILL)
JUDGE