

**215 CMM-108-2016 in
FAO-M-401-2015**

**GEETA
V/S
BIJENDER AND ANR**

Present: Mr. H.P.S. Ishar, Advocate, for the appellant.

Mr. Naveen Singh Panwar, Advocate, for respondent No.1.

A sum of Rs.15,000/- in the shape of bank draft has been paid towards the interim litigation expenses.

Reply to application under Section 24 of the Hindu Marriage Act had been filed in the Registry.

In her application, the appellant-wife claims maintenance pendente lite @ Rs.10,000/- per month and Rs.33,000/- as litigation expenses pleading that the respondent-husband is working as conductor in Delhi Transport Corporation.

The respondent-husband admits that he is working as conductor and earning Rs.30,000/- per month but special prejudicial circumstances against the appellant-wife have been referred to by counsel for the respondent-husband claiming that she has been convicted for the murder of her father-in-law in connivance with her paramour. Three children born out of the wedlock were being maintained by the respondent-husband. In view of said circumstances, application under Section 24 of the Hindu Marriage Act for grant of maintenance pendente lite and litigation expenses, has been prayed to be rejected.

We have considered the facts and circumstances of the case.

The appellant-wife may have been convicted but appeal against the order of conviction is still pending and she has been granted the benefit

of suspension of sentence of imprisonment. Even if, the children born out of the wedlock are being maintained by the father, the said circumstance will not absolve the husband of his liability to maintain his wife till their relationship subsists.

Taking into consideration the totality of the circumstances, considering the income of the respondent-husband being around Rs.30,000/- per month and the fact that he is maintaining the minor children, a sum of Rs.5,000/- per month is held reasonable for maintenance pendente lite to be paid to the appellant-wife. The said amount will be payable with effect from the date of application i.e. July, 2016. Litigation expenses of Rs.33,000/- as claimed are also granted. A sum of Rs.15,000/- already paid towards the interim litigation expenses will be deductible from the amount of litigation expenses.

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

For payment of entire arrears of maintenance pendente lite and balance of the litigation expenses, adjourned to 24.08.2018.

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

April 21, 2018.
harsha

**(GURVINDER SINGH GILL)
JUDGE**