

RAMPAL SINGH V/S SUNITA RANI

Present: Mr. Lajpat Sharma, Advocate, for the appellant.

Mr. M.S. Chahal, Advocate, for the respondent.

Reply to application under Section 24 of the Hindu Marriage Act has been filed on behalf of non-applicant/appellant-husband, mentioning therein that during pendency of this appeal, a joint petition under Section 13-B of the Hindu Marriage Act had been filed before the District Judge, Jhajjar on 15.01.2011 and the non-applicant/appellant-husband had paid a sum of Rs.5 lacs to the applicant/respondent-wife on 29.10.2010 but at the second motion stage, the applicant/respondent-wife had withdrawn her consent. A sum of Rs.5 lacs had also been returned.

The applicant/respondent-wife claims that the non-applicant/appellant-husband is getting a salary of Rs.60,000/- per month but the non-applicant/appellant-husband, present in the Court, informs that his carry home salary is Rs.48,000/- per month and that he is paying a sum of Rs.14,000/- per month in proceedings under Section 125 Cr.P.C. The said contention has been rebutted by counsel for the applicant/respondent-wife stating that arrears of Rs.68,000/- are still due.

We have heard counsel for both the parties on the application under Section 24 of the Hindu Marriage Act.

Counsel for the non-applicant/appellant-husband has submitted that the non-applicant/appellant-husband is looking after his old parents and incur expenditure for the welfare of his parents as such he may not be foisted with any liability beyond Rs.14,000/- per month as ordered in proceedings under Section 125 Cr.P.C.

We have considered the facts and circumstances of the case and are of the opinion that there is no material on record indicating that the applicant/respondent-wife is earning any amount but it is admitted fact that she is bringing up a minor daughter born out of the wedlock. The said daughter is 13 years old. All the expenses of education and bringing up is to be met with by the applicant/respondent-wife.

In said circumstances, a sum of Rs.18,000/- per month is considered bare minimum to prevent the applicant/respondent-wife from starvation and to bring up the minor daughter. The said amount will be payable to the applicant/respondent-wife with effect from the date of application i.e. October, 2017. It is made clear that a sum of Rs.14,000/- per month in proceedings under Section 125 Cr.P.C will be adjustable from the amount awarded by this Court in proceedings under Section 24 of the Hindu Marriage Act. Litigation expenses are assessed as Rs.40,000/-. Any sum paid towards litigation expenses during pendency of this appeal is liable to be adjusted against the said amount.

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

For payment of arrears of maintenance pendente lite and litigation expenses, adjourned to 26.07.2018.

At this stage, counsel for both the parties submit that the matter can be amicably settled, in case the matter is sent to the Mediation Centre again.

We have considered the said request and are of the opinion that the parties at one stage had opted to dissolve the marriage by decree of divorce by mutual consent. There appears to be consensus between the

parties regarding dissolution of marriage but on account of terms and conditions being not acceptable to both, the matter could not be amicably resolved.

Let both the parties, in said circumstances, appear before the Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh on 05.04.2018.

Litigation expenses would be paid to the applicant/respondent-wife on said date.

Remaining arrears of maintenance pendente lite may be cleared on or before the next date of hearing subject to final decision taken up before the Mediation Centre.

For awaiting the report of Mediation Centre, to come up on 26.07.2018.

The non-applicant/appellant-husband has offered a sum of Rs.10 lacs as permanent alimony. If the said amount is acceptable to the applicant/respondent-wife, statement can be made before the Mediator.

(M.M.S. BEDI)
JUDGE

March 19, 2018.
harsha

(GURVINDER SINGH GILL)
JUDGE