

Sukhwinder Singh Vs Urmila

**PRESENT Mr.Arun Abrol, Advocate,
for the appellant-husband.**

**Mr.Randeep Singh, Advocate, for
Mr.Vipin Mahajan, Advocate,
for the applicant/respondent-wife.**

The applicant/respondent-wife has filed an application under Section 24 of the Hindu Marriage Act, claiming that she does not have any source of income whereas the appellant-husband is earning more than Rs.70,000/- per month by running a bakery shop at Amritsar. She has claimed maintenance pendente lite @ Rs.20,000/- per month.

The appellant-husband has filed reply stating that he is only a labourer and is not owner of any bakery shop. No document has been placed on record to establish the monthly income of the appellant-husband.

It has been informed that a sum of Rs.2,000/- per month was ordered to be paid in the year 2016, in proceedings under Section 24 of the Hindu Marriage Act and further in proceedings under Section 125 Cr.P.C., a sum of Rs.2500/- per month as maintenance has been ordered to be paid in the month of March, 2018.

We have considered the facts and circumstances of the case. The appellant-husband is an able bodied person capable of earning. The appellant-husband has not come forward to clarify as to how he is earning his livelihood. Even if it is presumed that the appellant-husband is a labourer, he would not be earning less than Rs.500/- to Rs.600/- per day and

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not less than Rs.20,000/- per month.

Taking into consideration the fact that the applicant/respondent-wife is not earning anything and has got no source of income, she cannot be denied her right to claim maintenance pendente lite under Section 24 of the Hindu Marriage Act.

The application under Section 24 of the Hindu Marriage Act is allowed and the applicant/respondent-wife is awarded a reasonable sum of Rs.3500/- per month as maintenance pendente lite which will be payable from the date of application i.e. April 2017. A sum of Rs.35,000/- is awarded towards litigation expenses. The amount of Rs.20,000/- earlier paid towards interim litigation expenses will be adjustable against the amount awarded towards litigation expenses today. In case any amount is paid as maintenance in proceedings under Section 125 Cr.P.C., for the above said period, the same will also be adjustable against the amount ordered by this Court.

For payment of entire arrears of maintenance pendente lite as calculated till 30.10.2018 as well as balance of litigation expenses, to come up on 29.10.2018.

At this stage, it is contended by the counsel for the appellant-husband that the applicant/respondent-wife stayed with the appellant only for a period of 3 days and thereafter, left the matrimonial home. He has stated that in case the applicant/respondent-wife is ready to stay with him even today, he would withdraw his petition for divorce.

In view of above offer by the appellant-husband, the parties are directed to appear before the Mediation and Conciliation Centre

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of Punjab and Haryana High Court on 23.8.2018, in order to settle the matrimonial dispute either by reunion or by parting company.

A sum of Rs.20,000/- will be paid by the appellant-husband to the applicant/respondent-wife before the Mediator which amount will be adjustable from the amount of maintenance pendente lite to be paid on the next date of hearing.

(M.M.S. BEDI)
JUDGE

August 6, 2018.
raj arora

(ANUPINDER SINGH GREWAL)
JUDGE