

Dhanwant Singh Vs Manjit Kaur

**PRESENT Mr.Hardeep Singh, Advocate,
for the appellant-husband.**

**Ms.Gurnam Kaur Turka, Advocate,
for the respondent/wife.**

Misc. application CM-3155-CII-2018, is allowed.

Reply to the application under Section 24 of the Hindu Marriage Act, is permitted to be taken on record.

Applicant-respondent/wife has filed application under Section 24 of the Hindu Marriage Act, claiming maintenance pendent lite @ Rs.20,000/- per month for herself and Rs.10,000/- per month for the minor son besides litigation expenses to the tune of Rs.55,000/- on the ground that the appellant-husband has got 10 acres of land as well as shops and rooms situated at Bahadurgarh, Patiala, from which he is deriving rental income between Rs.70,000/- to Rs.80,000/- per month whereas she does not have any source of income. She is also maintaining a son born out of the wedlock who is 8 years old.

The respondent-husband has contested the application by filing the reply denying the factual averments regarding his income and properties, rather he has taken up a plea that the applicant-respondent/wife is well versed in cutting and tailoring and is earning a sum of Rs.15,000/- per month which amount is sufficient enough to maintain herself and the minor son.

The Court of Judicial Magistrate First Class, Rajpura,

had awarded a sum of Rs.2,000/- per month to the applicant-respondent/wife and another sum of Rs.3500/- per month to minor son Pargat Singh. The lower Court had awarded a sum of Rs.4,000/- per month in the application under Section 24 of the Hindu Marriage Act.

It has also been informed that another daughter born out of the wedlock is being maintained by the appellant-husband, which fact is not denied by the applicant-respondent/wife.

We have considered the rival claims raised in the application under Section 24 of the Hindu Marriage Act, as well as in the reply filed by the appellant-husband. There is no material on the record to arrive at a conclusion that the applicant-respondent/wife is doing the work of embroidery and tailoring or earning Rs.15,000/- per month but at the same time on account of vague denial of the appellant-husband regarding his income, we enter into the arena of estimation and arrive at a conclusion that the appellant-husband being an able bodied person having agricultural as well as rental income, must be earning a sum of Rs.40,000/- to Rs.50,000/- per month.

In the aforesaid peculiar circumstances of the case, a sum of Rs.10,000/- per month is considered to be reasonable amount to be awarded as maintenance pendent lite to the applicant-respondent/wife. Application under Section 24 of the Hindu Marriage Act is allowed and the applicant-respondent/wife is awarded a sum of Rs.10,000/- per month as maintenance pendente lite which shall be payable from the date of application i.e. May 2017. The amount of Rs.2000/- per month which is granted to applicant-respondent/wife Manjit Kaur in proceedings under

Section 125 Cr.P.C. per month, in case it stands paid separately, will be deductible from the amount of Rs.10,000/- per month awarded today by this Court. Applicant-respondent/wife is also awarded a sum of Rs.25,000/- as litigation expenses. Counsel for the applicant-respondent/wife admits that a sum of Rs.20,000/- towards interim litigation has already been paid. Said amount of Rs.20,000/- will be deductible from the amount of litigation expenses awarded today.

For payment of entire arrears of maintenance pendente lite as calculated upto 31.8.2018, as well as balance of litigation expenses, adjourned to 3.8.2018.

(M.M.S. BEDI)
JUDGE

February 15, 2018.
raj arora

(GURVINDER SINGH GILL)
JUDGE