

Jatinder Kumar Vs Seema Rani

**PRESENT Mr.Rajan Bhargava, Advocate,
for the appellant-husband.**

**Ms.G.K.Mann, Advocate,
for the respondent-wife.**

An application under Section 24 of the Hindu Marriage Act has been filed by the respondent-wife seeking maintenance pendente lite @ Rs.30,000/- per month claiming that the appellant-husband is getting a salary of Rs.45,000/- per month who is working as a government teacher.

The application has been opposed by the appellant-husband, inter alia, on the ground that the respondent-wife had been teaching in a private unaided school.

Counsel for the appellant-husband submits that the documents appended with the reply indicate that the respondent-wife was working in the year 2015. However, it is claimed by the counsel for the respondent-wife that she at present is not working anywhere.

We have considered the facts and circumstances of the present case. Without entering into the controversy whether the respondent-wife is capable of earning, it is sufficient to observe here that respondent-wife is entitled to respectable living by getting maintenance pendente lite during pendency of the matrimonial litigation especially when she is also looking after a minor child. In proceedings under Section 125 Cr.P.C. a sum of Rs.15,000/- per month had been awarded to the respondent-wife and the minor child, however, it is stated that the order is not being implemented in

CMM-130-2017 and FAO-M-295-2016

totality on account of pendency of the petition in the High Court.

In view of above circumstances, we are of the opinion that as the respondent-wife is also maintaining a minor child which is the responsibility of both the parents and the appellant-husband is getting more than Rs.45,000/- per month as salary by working as a government teacher, a sum of Rs.15,000/- per month is considered to be reasonable amount to be awarded under Section 24 of the Hindu Marriage Act.

Application under Section 24 of the Hindu Marriage Act, is allowed . It is ordered that the appellant-husband shall pay a sum of Rs.15,000/- per month as maintenance pendente lite which shall be payable from the date of application i.e. July 2017. Litigation expenses to the tune of Rs.35,000/- are also awarded to the respondent-wife.

Any amount paid in proceedings under Section 125 Cr.P.C. would be adjustable against the amount awarded under Section 24 of the Hindu Marriage Act, by this Court. Any amount paid towards litigation expenses will also be deductible from the amount ordered today.

For payment of entire arrears of maintenance pendent lite and litigation expenses, to come up on 24.7.2018.

(M.M.S. BEDI)
JUDGE

April 25, 2018.
raj arora

(GURVINDER SINGH GILL)
JUDGE