

JAGAT SINGH VS MANJITA AND ANR

Present : Mr. M. S. Randhawa, Advocate,
for the appellant.

Mr. Zorawar Singh Chauhan, Advocate,
for the respondent.

Aggrieved by the dismissal of his petition for divorce,
the appellant-husband has preferred this appeal.

During the pendency of appeal, the respondent-wife
has filed an application under Sections 24 and 26 of the Hindu
Marriage Act, making a prayer for grant of sum of ₹25,000/- as
maintenance *pendente lite* and a sum of ₹50,000/- as litigation
expenses.

Appellant-husband has filed reply today in Court. Copy
given.

It is averred in the application that the applicant/
respondent-wife is not earning anything, whereas the non-
applicant/appellant-husband is serving in Indian Army and is
alleged to be earning a sum of ₹60,000/- per month. The
applicant/respondent-wife is getting maintenance @ ₹12,245/-
per month from the non-applicant/husband through the Army
authorities. It is also averred in the application that the minor
child born out of the wedlock, is being looked after by the
applicant/ respondent-wife. The minor child is studying in SKG
Senior Secondary School and she requires ₹5000/- per month for
maintaining the minor child.

In the reply, it has been averred by the non-applicant/appellant-husband that the applicant/respondent-wife knows the work of sewing, embroidery and knitting. She is 12th pass and gives tuitions to the children and is earning ₹20,000/- per month.

We have considered the facts and circumstances of the case and are of the opinion that so far as the alleged income of the applicant/respondent-wife from sewing, embroidery work or tuition is concerned, there is no evidence on record to prove the same. The reply is not supported by any affidavit. The income of non-applicant/appellant-husband, being an Army personnel, cannot be denied. The non-applicant/appellant-husband, in reply to the application, has admitted that he is working in Indian army but has denied to be earning ₹60,000/- per month. No salary slip has been produced on record implying thereby that the allegation of applicant/respondent-wife regarding salary of the non-applicant/appellant-husband as ₹60,000/- per month, being un rebutted, is correct. Since the applicant/respondent-wife is looking after the minor child and is spending money on his education, the maintenance *pendente lite*, in the present case has to be ₹15,000/- per month.

The misc. application is allowed. The applicant/respondent-wife is granted a sum of ₹15,000/- per month as maintenance *pendente lite*, from the date of application i.e October, 2017. ₹35,000/- is assessed as litigation expenses.

₹20,000/- paid earlier by the non-applicant/appellant-husband, will be deducted from this amount.

It is made clear that any amount deducted from the salary of the non-applicant/appellant-husband as maintenance, will be adjustable against a sum of ₹15,000/- per month.

For payment of arrears of maintenance calculated up to 30.11.2018 and balance of litigation expenses, adjourned to 22.11.2018.

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

**(ANUPINDER SINGH GREWAL)
JUDGE**

SEPTEMBER 04, 2018
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