

**Palwinder Singh @ Monu Vs Manpreet Kaur**

**PRESENT        Mr.D.R.Punia, Advocate,  
for the appellant-husband.**

**Ms.Monika Sharma, Advocate,  
for the applicant/respondent-wife.**

The respondent-husband, aggrieved by the dismissal of his petition for divorce has filed the present appeal.

During pendency of the appeal, the respondent-wife has filed an application under Section 24 of the Hindu Marriage Act claiming maintenance pendent lite @ Rs.15,000/- per month besides litigation expenses of Rs.1 lac claiming that she is unemployed and dependent upon her parents whereas the appellant-husband is working with Microtek and is getting a salary of Rs.20,000/- per month. He has also allegedly let out his properties on rent and earning a sum of Rs.10,000/- per month from the rental income. He is allegedly a rich man with sufficient bank balance in his account. The respondent-wife claims that she has been granted maintenance in proceedings under Section 125 Cr.P.C. but the appellant-husband has been avoiding to pay any maintenance and has not paid a single penny towards the maintenance till date.

In the reply filed by the appellant-husband, he has admitted that he is working in a factory earning a sum of Rs.7,000/- per month and has denied that he is earning Rs.20,000/- per month. He has refused to be the owner of any private property. It is averred that a sum of Rs.52,000/- was paid till December 2016, towards the maintenance

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pendente lite pursuant to the interim orders passed under Section 24 of the Hindu Marriage Act by the lower Court. It is admitted that the lower Court had awarded a sum of Rs.2,000/- per month as maintenance pendente lite.

We have considered the facts and circumstances of the case. No documentary evidence has been brought on the record to enable this Court to arrive at a fixed figure which is being earned by the appellant-husband but it is a fact that a sum of Rs.2,000/- per month was awarded to the wife by the lower Court in the year 2014.

Taking into consideration the escalation of prices and taking judicial notice of the price index, we are of the opinion that the husband being an able bodied person is bound to maintain the respondent-wife during pendency of the proceedings. The income has been admitted only to the extent of Rs.7,000/- per month by working in a factory. The plea is not acceptable as it is not expected that owner of the Factory would pay less than the minimum wages to the appellant-husband. Though we do not find any material indicating that the appellant-husband is earning Rs.20,000/- per month but in view of controversy raised by both the parties, we are compelled to form an opinion regarding the income of the appellant-husband on the basis of rough estimation. The appellant-husband is admittedly an able bodied person working in a factory. His income will be considered to be that of a skilled labourer which cannot be less than Rs.20,000/- per month.

The application under Section 24 of the Hindu Marriage Act is allowed and the respondent-wife is awarded a reasonable sum of Rs.5,000/- per month as maintenance pendente lite which will be payable

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from the date of application i.e. October 2017. A sum of Rs.25,000/- 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. 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 17.10.2018.

It is made clear that in case the entire arrears are not cleared, adverse order permissible under law, would be passed against the appellant-husband.

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

**July 9, 2018.**  
**raj arora**

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**