

Bhupinder Singh Vs Jyoti and another

**PRESENT Mr.A.S.Manaise, Advocate,
for the appellant-husband.**

**Mr.T.V.S.Lehal, Advocate,
for respondent No.1/wife.**

None for respondent no.2.

The respondent-wife in her application filed under Section 24 of the Hindu Marriage Act claims maintenance pendent lite @ Rs.10,000/- per month for herself and Rs.7,000/- per month for two minor children born out of the wedlock besides litigation expenses of Rs.50,000/-. It is averred in the application that the appellant-husband is earning a sum of Rs.50,000/- per month by working as a Registered Medical Practitioner in the village whereas she is unable to maintain herself and two minor children as she has got no source of income.

The appellant-husband has opposed the application pleading that he is running the dairy business and is earning only a sum of Rs.15,000/- per month. The said contention has been rebutted by the counsel for the respondent-wife.

It has been informed that a sum of Rs.3,000/- per month was awarded to the respondent-wife by the lower Court in the year 2015 in proceedings under Section 24 of the Hindu Marriage Act.

We have heard the counsel for the parties. It is not

believed that the appellant-husband is earning only a sum of Rs.15,000/- per month as no income tax return or any other document has been produced to establish the income. Appellant-husband admittedly is an able bodied person. No document has been produced by the respondent-wife also to show the income of the appellant-husband as a Registered Medical Practitioner. There being no cogent evidence regarding the income available on the record, a little bit estimation would be the best method to determine the maintenance pendente lite payable to the respondent-wife as she is also looking after the two minor children especially when, it is not established that she is having any source of income. Taking into consideration the fact that the prices are rising day by day and it is impossible to survive with the meager amount of Rs.3,000/- per month awarded by the lower Court in the year 2015 in the proceedings under Section 24 of the Court, we deem it appropriate to award maintenance pendente lite to the respondent-wife @ Rs.8,000/- per month considering that the appellant-husband would be earning not less than Rs.25,000/- per month even if it is presumed that he is doing the business of milk dairy.

The application under Section 24 of the Hindu Marriage Act is allowed and the respondent-wife is awarded a sum of Rs.8,000/- per month as maintenance pendente lite which will be payable by the appellant-husband from the date of application i.e. November 2017. A sum of Rs.40,000/- is awarded towards litigation expenses. Sum of Rs.20,000/- earlier paid would be deductible from the amount of litigation expenses

FAO-M-417-2016 with CMM-192-2017

awarded today.

For payment of entire arrears of maintenance pendente lite as well as balance amount of litigation expenses, to come up on 22.10.2018.

(M.M.S. BEDI)
JUDGE

July 30, 2018.
raj arora

(ANUPINDER SINGH GREWAL)
JUDGE