

In the High Court of Punjab and Haryana at Chandigarh

CMM No.16 of 2017

IN

FAO No.776 of 2017

Date of Decision : March 15, 2018

Lalita

.....*Appellant*

Versus

Sandeep

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Naveen S. Bhardwaj, Advocate for the applicant/appellant.

Mr. Pardeep Singh Poonia, Advocate for the respondent.

GURVINDER SINGH GILL J.

1. This order shall dispose of an application filed on behalf of the applicant/appellant-wife under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as '*the Act*') seeking maintenance *pendente-lite* to the tune of ₹ 15,000/- per month in addition to litigation expenses in the sum of ₹ 35,000/-.
2. The applicant/appellant-wife has averred in her application that she has no source of income, whereas her husband is employed in Armed Forces and earning ₹ 35,000/- per month. The applicant/appellant-wife, thus, prays for award of maintenance *pendente-lite* and litigation expenses, being not in a position to support herself.

3. The respondent-husband, in his reply to the aforesaid application, admitted being employed with Armed Forces and stated that he has a meager salary of ₹ 30,000/- per month out of which he is maintaining his ailing parents and college going younger brother, who are dependent upon him. The respondent further asserted therein that in fact the applicant is an educated and well qualified lady and is maintaining herself very well by taking tuitions. The respondent thus prayed for dismissal of the application.
4. We have heard the learned counsel for the parties.
5. The learned counsel for the respondent-husband has today filed copy of salary slips pertaining to respondent for the period from January 2017 to December 2017, which indicate that while the gross monthly salary works out to be more than ₹ 40,000/-, the amount credited to his bank account after necessary deductions is about ₹ 30,000/- per month. There is some variance in the aforesaid amounts on account of receipt of some arrears or some increased deductions during certain months but the average carry home salary works out to be more than ₹ 30,000/- per month. Though the respondent-husband has asserted that the applicant/appellant-wife is an educated and well qualified lady and is maintaining herself very well by taking tuitions, but there is no evidence to this effect. Admittedly, no child was born out of the wedlock. The respondent-husband is duty bound to maintain his wife and to ensure that she is able to maintain herself in the same manner and standard in which the respondent-husband is maintaining himself in view of his income.
6. In our opinion, an amount of ₹ 12,000/- per month as maintenance *pentente-lite* would be a fair amount to enable the applicant/appellant-wife to maintain

herself in a reasonable manner commensurate to status of her husband. The application, as such, is allowed and an amount of ₹ 12,000/- per month is awarded as maintenance *pendente-lite* to the applicant/appellant-wife payable by the respondent-husband with effect from the date of application i.e. with effect from December 2016. The amount of ₹ 5,000/- awarded in proceedings under Section 125 Cr.P.C. will stand adjusted in the aforesaid amount of maintenance *pendente-lite*. The applicant/appellant-wife is also awarded litigation expenses to the tune of ₹ 30,000/-. The amount of ₹ 20,000/- already paid will be deducted from the said amount of ₹ 30,000/-.

(M.M.S.Bedi)
Judge

(Gurvinder Singh Gill)
Judge

March 15, 2018
pankaj

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No