

**JITENDER YADAV  
V/S  
POONAM YADAV**

Present: Mr. Aditya Yadav, Advocate, for the appellant-husband.

Mr. Rajneesh Chadwal, Advocate, for the respondent-wife.

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

During pendency of the appeal, the respondent-wife has filed an application under Section 24 of the Hindu Marriage Act claiming maintenance pendente lite at the rate of Rs.20,000/- per month and litigation expenses. It is averred in the application that the respondent-wife has no source of income to maintain herself whereas the appellant-husband has been working in Navy and drawing a salary of Rs.47,345/- per month. After retirement, at the age of 33 years, the appellant-husband is drawing pension at the rate of Rs.25,000/- per month along with other allowances and he is also earning Rs.20,000/- by doing private work in Mahendergarh city.

The appellant-husband has filed reply to the application under Section 24 of the Hindu Marriage Act denying that he is getting pension of Rs.25,000/- per month. He has also denied to have any earning from any private work. Pension Payment Order has been placed on record as Annexure A-3 along with copy of pension account statement as Annexure A-4 to submit that only sum of Rs.14,858/- per month was being received by him towards pension.

It has been submitted by counsel for the respondent-wife that the appellant-husband has got re-employment as Clerk in the Haryana Government and is now earning sum of Rs.25,000/- per month besides defence pension.

We have considered the facts and circumstances of the case.

Appellant-husband is an able bodied person, capable of earning. He being retired from Navy with experience to his credit is certainly capable of earning and maintaining the respondent-wife. The factum of he having been re-employed with the salary of Rs.25,000/- per month, has not been denied by counsel for the appellant-husband.

It is an admitted fact that the trial Court had granted a sum of Rs.5000/- per month in proceedings under Section 24 of the Hindu Marriage Act. It is also admitted by the parties that in proceedings under the Protection of Women from Domestic Violence Act, a sum of Rs.5000/- has been ordered to be paid by the appellant-husband to the respondent-wife. \

We have also considered the contention of the counsel for the appellant-husband that he has to support his parents but in view of his pension drawn by him being an ex-employee of Navy and the service benefits, the amount awarded to the respondent-wife towards maintenance pendente lite will not in any manner hamper him to perform his obligations towards his parents.

Considering the capability of the appellant-husband to earn and the quantum of maintenance awarded by the lower Court in the year 2015, we are of the considered opinion that a sum of Rs.10,000/- per month will be reasonable amount to be paid as maintenance pendente lite to the respondent-wife. The said amount will be paid with effect from the date of

application i.e. September, 2017. It is made clear that any amount paid in proceedings under Section 125 Cr.P.C or under the Protection of Women from Domestic Violence Act will be deductible from this amount. Litigation expenses are assessed as Rs.25,000/-.

Application under Section 24 of the Hindu Marriage Act is allowed in above manner.

For payment of entire arrears of maintenance pendente lite and litigation expenses, adjourned to 09.08.2018.

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

**May 22, 2018.**  
*harsha*

**(HARI PAL VERMA)  
JUDGE**