

RAJWANT KAUR V/S BALWINDER SINGH

Present: Mr. K.S.Rekhi, Advocate, for the appellant.

Mr. V.K.Kaushal, Advocate, for the respondent.

This is an application under Section 24 of the Hindu Marriage Act filed by the appellant-wife claiming maintenance pendente lite at the rate of ₹7,000/- per month with effect from the date of filing the appeal on the ground that the respondent is a truck driver, earning a sum of ₹20,000/- per month whereas she has got no source of income. Two children born out of the wedlock are stated to be residing with the non-applicant/husband.

Despite repeated opportunities the respondent has not filed reply to the application. Counsel for the respondent when confronted with the fact that last opportunity has been granted to the respondent, he submits that he has made best efforts to require the respondent to come forward to file reply to the present application but he did not respond.

In view of the said circumstances, we have got no alternative except to consider the application on the basis of averments made therein. Presuming that the respondent is a skilled labourer, being a driver, he would be earning not less than a sum of ₹20,000/- per month. Since the children are residing with the respondent-husband, a sum of ₹5,000/- per month is considered to be reasonable amount towards maintenance pendente lite, payable with effect from September, 2017 i.e. the date of application. A sum of ₹25,000/- is assessed as litigation expenses. Interim litigation expenses of ₹20,000/- ordered vide order dated 17.11.2016 has also not been paid till date.

The application under Section 24 of the Hindu Marriage Act is allowed in above terms.

To give a fair opportunity to the respondent to pay the entire arrears of maintenance and litigation expenses, adjourned to 24.5.2018.

It is made clear that in case the amount is not paid, the defence of the respondent will be struck off and the appeal will be decided on the basis of record available, on merits.

**(M.M.S. Bedi)
Judge**

**(Gurvinder Singh Gill)
Judge**

April 04, 2018
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