

**105+221 CM-9316-CII-2018 in
FAO-7965-2015 and CMM-144-2017**

**SURENDER SINGH
V/S
GEETA AND ANR**

Present: Mr. Rajwant Singh Chahal, Advocate, for the appellant.

Mr. Surender Saini, Advocate, for respondent No.1.

The miscellaneous application (CM-9316-CII-2018) is allowed.

Reply to application under Section 24 of the Hindu Marriage Act is permitted to be taken on record.

Having been unsuccessful in getting a decree of divorce before the lower Court, 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 for grant of maintenance pendente lite @ Rs.30,000/- per month.

It is averred in the application that in proceedings under Section 125 Cr.P.C, the respondent-wife is awarded a sum of Rs.5,000/- per month but the arrears for the last three years have not been paid. The appellant-husband is earning sum of Rs.60,000/- per month by working as a Satellite Engineer with Aaj Tak news agency with effect from the year 1997. By estimation, it has been averred that he would be earning not less than Rs.1,20,000/- per months besides other works as the salaries have been enhanced. It is admitted that three children between the age of 15 to 19 years, are staying with the appellant-husband.

In the reply filed, the appellant-husband has averred that he is jobless having liability to maintain three children who are residing with him.

It is averred in the application that he is already paying maintenance @ Rs.5,000/- per month.

We have considered the facts and circumstances of this case and are of the opinion that the appellant-husband has got to his credit educational qualification of an Engineer and it is not expected that he could be jobless whereas he has not denied the fact that he had been getting a sum of Rs.60,000/- per month a long time back.

The appellant-husband claims that he is looking after three children born out of the wedlock who are aged between 15 to 19 years. Without a source of income, such a liability cannot be discharged by him.

Considering the appellant-husband highly educated professional with long experience with TV channel, his salary per month is presumed to be between Rs.50,000/- to Rs. 1 lac.

In view of non-availability of any specific income tax return having been submitted by the appellant-husband, we presume that the aforesaid amount is being earned by the appellant-husband taking into consideration his earning capacity and educational qualification. We presume that the appellant-husband has taken all out efforts to conceal his income.

In the interest of justice, taking into consideration his statutory obligations, we deem it appropriate to grant maintenance pendente lite @ Rs.15,000/- to Rs.20,000/- per month but since the children are being looked after by the appellant-husband, a sum of Rs.10,000/- per month is considered as reasonable amount as maintenance pendente lite to be paid to the respondent-wife during pendency of the appeal. The said amount will be paid with effect from the date of application i.e. September, 2017. A sum of Rs.5,000/- per month, if paid, in proceedings under Section 125 Cr.P.C., would be adjustable against the said amount. Litigation expenses are

assessed as Rs.50,000/-. A sum of Rs.20,000/- towards interim litigation expenses, earlier paid, will be deductible from Rs.50,000/-.

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

For payment of entire arrears of maintenance pendente lite and balance of litigation expenses, adjourned to 30.07.2018.

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

May 08, 2018.
harsha

**(HARI PAL VERMA)
JUDGE**