

Maya Devi Vs Kailash Chand

**PRESENT Mr.Mohender Singh Chahal, Advocate, for
Ms.Sharmila Sharma, Advocate,
for the appellant-wife.**

**Mr.Vikas Suri, Advocate,
for the respondent-husband.**

The respondent-husband has been granted a decree of divorce on the ground that there has not been any restitution of conjugal rights between the parties for a period of more than one year after the passing of decree of restitution of conjugal rights dated 10.1.2003.

During pendency of the appeal filed by the appellant-wife, she moved application under Section 24 of the Hindu Marriage Act for the grant of maintenance pendente lite claiming that respondent-husband is working as a Constable and is earning Rs.45,000/- per month. Appellant-wife has sought maintenance pendente lite @ Rs.25,000/- per month besides Rs.33,000/- as litigation expenses asserting that she is unable to maintain herself as per the status of her husband.

The application has been opposed, inter alia, on the ground that appellant-wife is gainfully employed in Guru Jambheshwar University of Science and Technology, Hisar as Peon and is getting a sum of Rs.25,000/- per month as salary. It is not denied by the respondent-husband that he is working as a Constable and his salary is stated to be Rs.45,000/- per month.

Counsel for the respondent-husband has made available

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copy of the information received under the Right to Information Act, from Guru Jambheshwar University of Science and Technology, Hisar, indicating that the total monthly income of the person regarding whom information was sought is Rs.23,971/-. It is not mentioned in the said letter dated 2.8.2017 whether the same pertains to Maya Devi. Presuming that Maya Devi is working as a Peon, we have to take into consideration the status of the husband who is posted as a Constable and is earning Rs.45,000/- per month and the wife has got a right to be maintained commensurate with the status of the husband. The wife in the present case would have been entitled to maintenance pendente lite @ Rs.10,000/- per month but in view of the fact that she is capable of working and is also earning by working as a Peon in Guru Jambheshwar University of Science and Technology, Hisar, the application under Section 24 of the Hindu Marriage Act, is allowed. A sum of Rs.7,000/- per month is ordered to be paid by the respondent-husband to the appellant-wife as maintenance pendente lite w.e.f. March 2017 as the said amount will be sufficient enough to enable her to maintain a status commensurate with the status of her husband who is working as a Constable and is earning Rs.45,000/- per month. Litigation expenses to the tune of Rs.33,000/- are also awarded to the appellant-wife. Sum of Rs.20,000/- already paid towards interim litigation expenses will be deductible from the amount of Rs.33,000/- awarded today.

For payment of entire arrears of maintenance pendente lite as well as balance of litigation expenses, adjourned to 31.8.2018.

The amount of maintenance pendente lite will be paid by 10th of every month in advance by depositing the same in the account of the

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appellant-wife, which will be provided by the counsel for the appellant-wife
to the counsel for the respondent-husband.

(M.M.S. BEDI)
JUDGE

April 23, 2018.
raj arora

(GURVINDER SINGH GILL)
JUDGE