

CM-6263-CII-2018 IN/AND CMM-13-2018 IN FAO-M-149-2017

Jatinder Kumar Vs Vijayta Sharma

**PRESENT Mr.D.S.Kamra, Advocate,
for the appellant-husband.**

**Ms.Suminderdeep Kaur, Advocate, for
Mr.Imran Farooqi, Advocate,
for the respondent-wife.**

Misc. application CM-6263-CII-2018, is allowed.

Document Annexure R1, Salary Certificate of respondent-wife is taken on record.

Aggrieved by the dismissal of his petition under Sections 12 and 13 of the Hindu Marriage Act, the appellant-husband has preferred the present appeal.

During pendency of the appeal, respondent-wife filed application under Section 24 of the Hindu Marriage Act, claiming maintenance pendent lite @ Rs.30,000/- per month alleging that the appellant-husband is having income of Rs.43,600/- per month as he is working as a Lab Assistant in the U.I.E.T. Department of the Panjab University, Chandigarh. He has also been allotted a residential accommodation in the Panjab University, Sector 14, Chandigarh.

The application has been resisted by the appellant-husband submitting that the appellant-wife is highly educated having a dual MBA degree to her credit and her earnings are almost equivalent to the appellant-husband.

We have considered the facts and circumstances of the present case and find that a sum of Rs.5,000/- per month was awarded by the lower Court as maintenance pendent lite in the application under Section

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24 of the Hindu Marriage Act. Merely because the appellant-wife has higher qualifications to her credit and has got earning capacity will not, ipso facto, prejudice her right under Section 24 of the Hindu Marriage Act.

We have also considered the contention of the counsel for the appellant-husband that the respondent-wife is staying in Working Women Hostel where the expenses are less than Rs.3,000/- per month.

It is not denied that the appellant-husband is residing in the official accommodation allotted to him by the University. On account of matrimonial controversy between the parties, the respondent-wife has been compelled to stay away from the matrimonial house in a Working Women Hostel and is not enjoying the facilities commensurate with those being enjoyed by the appellant-husband. A perusal of salary certificate of the appellant-husband shows that he was drawing gross salary of rs.44,166/- in February 2018, whereas as per Salary Certificate of respondent-wife, she is drawing gross salary of Rs.24,897/-.

In view of above and taking into consideration the fact that the respondent-wife had been awarded a sum of Rs.5,000/- per month as maintenance pendent lite by the lower Court and further taking into consideration the escalation of prices, the application under Section 24 of the Hindu Marriage Act, is allowed. A sum of Rs.6,000/- per month is awarded as maintenance pendent lite to the respondent-wife which shall be payable from the date of application i.e. January 2018. Litigation expenses to the tune of Rs.30,000/- are also awarded. The amount already paid towards interim litigation expenses will be adjustable.

For payment of entire arrears of maintenance calculated

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till 31.7.2018 and balance amount of litigation expenses, to come up on 18.7.2018.

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

**April 26, 2018.
raj arora**

**(GURVINDER SINGH GILL)
JUDGE**