

**NARENDER KUMAR
V/S
NEELAM**

Present: Ms. Sapna Seth, Advocate,
for the appellant-husband.

Mr. Vikas Dhull, Advocate, for
Mr. Manoj Sharma, Advocate,
for the respondent-wife.

This is an application under Section 24 of the Hindu Marriage Act filed by the applicant/respondent-wife for grant of maintenance pendente lite at the rate of Rs.20,000/- per month claiming that the non-applicant/appellant-husband is well settled in U.S.A having educational qualification of B.Tech. & M.Tech. and living a luxurious life.

On notice having been issued to counsel for the non-applicant/appellant-husband, though reply has not been filed but the application has been vehemently opposed on the ground that the non-applicant/appellant-husband has been paying a sum of Rs.20,000/- per month to the applicant/respondent-wife besides paying a sum of Rs.15,000/- per month to the son in proceedings under Section 125 Cr.P.C. It has not been denied that the non-applicant/appellant-husband is an Engineer having settled in U.S.A. It has been urged by counsel for the non-applicant/appellant-husband that the applicant/respondent-wife is herself working as a Teacher and earning sufficient amount to enable her to live a respectable life.

On asking of the Court, counsel for the non-applicant/appellant-husband submits that as per her information, the non-

applicant/appellant-husband would be earning only a sum of 2 lakhs in INR per month.

We have taken into consideration the facts and circumstances of the case.

The actual income of the non-applicant/appellant-husband has not been brought to the notice of the Court by producing any reliable documentary evidence but considering the educational qualification of the non-applicant/appellant-husband and he having settled as an Engineer in U.S.A, a judicial notice can be taken that he might be earning handsome amount in U.S.A. It is settled principle of law that the applicant/respondent-wife who has not been staying with the non-applicant/appellant-husband, is entitled to the maintenance amount commensurate with the status of the non-applicant/appellant-husband. The applicant/respondent-wife, in the present case, cannot be deprived of her statutory right to claim maintenance pendente lite.

It is also an admitted fact that the responsibility of bringing up a child born out of the wedlock is being shouldered solely by the applicant/respondent-wife whereas it is the duty of both husband and wife.

In the present case, we are not taking into consideration the individual right of maintenance of the child born out of the wedlock and are considering only the claim of the applicant/respondent-wife under Section 24 of the Hindu Marriage Act.

Taking into consideration the totality of the above said circumstances, application under Section 24 of the Hindu Marriage Act is allowed and a sum of Rs.20,000/- per month is awarded as maintenance pendente lite to the applicant/respondent-wife. The said amount will be

payable with effect from the date of application i.e. February, 2018. It is made clear that amount of Rs.20,000/- per month awarded by this Court is irrespective of any amount awarded in proceedings under Section 125 Cr.P.C. The amount ordered by this Court would be payable in addition to the amount of maintenance, if any, awarded in proceedings under Section 125 Cr.P.C.

It is averred in the application that the applicant/respondent-wife had to engage a new counsel as her earlier counsel joined the office of Advocate General, Haryana. In view of said circumstance, she is held entitled to litigation expenses of Rs.50,000/-.

For payment of entire arrears of maintenance and litigation expenses, adjourned to 30.11.2018.

It is not out of place to observe here that counsel for the non-applicant/appellant-husband submits that the appellant-husband is ready for any amicable settlement to part company on payment of reasonable amount of permanent alimony.

It will be open to the parties to move any application, in case the parties intend to arrive at any settlement before the Mediation Centre or before this Court in that context.

(M.M.S. BEDI)
JUDGE

July 18, 2018
harsha

(ANUPINDER SINGH GREWAL)
JUDGE