

Amit Vs Poonam

**PRESENT Mr.Neeraj Yadav, Advocate,
for the appellant-husband.**

**Mr.Ajit Kumar Sharma, Advocate, for
Mr.R.D.Yadav, Advocate,
for the respondent-wife.**

Aggrieved by the dismissal of his petition for divorce,
the husband has preferred this appeal before this Court

During pendency of the appeal, the respondent-wife has
moved an application under Section 24 of the Hindu Marriage Act, for grant
of maintenance pendente lite @ Rs.40,000/- per month as well as litigation
expenses to the tune of Rs.55,000/- claiming that the applicant/respondent-
wife has no source of income and is unable to maintain herself whereas the
appellant-husband is a graduate in Computer Applications, working with a
Limited Company and earning a sum of Rs.60,000/- per month. It is claimed
that the appellant-husband has also got earnings from ancestral agricultural
land measuring 12 acres in the village and four plots in different cities
besides one residential house.

The appellant-husband has contested the application by
filing reply to the effect that the respondent-wife is an educated lady, able to
maintain herself whereas the appellant-husband is still a student pursuing
his degree of Bachelor of Arts and that a sum of Rs.9,000/- per month had
been awarded in proceedings under Section 24 of the Hindu Marriage Act,
by the lower Court which he has been paying regularly to the respondent-

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wife as maintenance. The appellant-husband has altogether denied that he has got any degree in Computer Applications or that he is working in a Limited Company.

We have considered the facts and circumstances of the case. Both the parties have not made available any relevant material before this Court to enable this Court to arrive at a definite conclusion regarding the actual income of the appellant-husband. However, it is admitted that the appellant-husband is an able bodied, educated person, capable of earning. He has been paying a sum of Rs.9,000/- per month the respondent-wife as per the order passed by the lower Court in proceedings under Section 24 of the Hindu Marriage Act. We have taken judicial notice of the fact that there has been steep hike in prices of essential commodities during the last 2-3 years and it would be reasonable, in the interest of justice, to enhance the amount of Rs.9,000/- per month, awarded by the lower Court, to a sum of Rs.12,000/- per month in proceedings under Section 24 of the Hindu Marriage Act, before this Court as the respondent-wife is shouldering the responsibility of maintaining a minor child born out of the wedlock single handed.

The application under Section 24 of the Hindu Marriage Act is allowed and the respondent-wife is awarded a sum of Rs.12,000/- per month as maintenance pendente lite which will be payable by the appellant-husband from the date of application i.e. May 2018. A sum of Rs.30,000/- is awarded towards litigation expenses. Rs.25,000/- earlier paid towards interim litigation expenses would be adjustable against the amount awarded

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by this Court.

For payment of entire arrears of maintenance pendente lite as calculated till 31.12.2018 as well as balance amount of litigation expenses, to come up on 7.12.2018.

(M.M.S. BEDI)
JUDGE

September 21, 2018.
raj arora

(ANUPINDER SINGH GREWAL)
JUDGE