

NEETU GAUR V/S NAVEEN ANRGISH

Present: Mr. Raman Mahajan, Advocate, for the appellant-wife.

Mr. Manish K. Rampal, Advocate, for the respondent-husband.

Reply to application under Section 24 of the Hindu Marriage Act has not been filed.

Aggrieved by the dismissal of her petition for divorce, the appellant-wife has preferred the present appeal. During pendency of the appeal, the appellant-wife has filed an application under Section 24 of the Hindu Marriage Act for grant of maintenance pendente lite at the rate of Rs.50,000/- per month and litigation expenses. As per the averments in the application, the appellant-wife herself is working as an Assistant Professor in the Centre for Research in Rural and Industrial Development, Sector 19, Chandigarh and earning a sum of Rs.65,000/- per month. She is looking after two growing children, students of 3rd and 5th class respectively. As per the averments in the application, the respondent-husband was working as an agent with ICICI Life Insurance but later on, he joined TATA AIG and at present he is earning more than Rs.2 lakh per month including the rental income from 5 to 6 shops in Bilaspur, HP and the building which has been let out to one transport company.

Respondent-husband is present in person and has explained that his income has been exaggerated in the application whereas he is working only as a Naturopath and is doing the business of Yoga instructions and has submitted that he only earns a sum of Rs.18,000/- to Rs.20,000/- per month. He has further submitted that the transport business is being conducted by his mother.

On asking of the Court, the respondent-husband informs that his sisters are married and the mother is staying with him but she is only earning sum of Rs.20,000/- from the transport business. He has also urged that he is paying maintenance of Rs.3000/- per month to each of the child as per the orders passed in proceedings under Section 125 Cr.P.C.

We have considered the facts and circumstances of the case and are of the opinion that since the appellant-wife herself is earning, she would not be entitled to any amount of maintenance pendente lite but taking into consideration the fact that she is shouldering the additional responsibility of looking after the minor children and is incurring expenditure on them, a sum of Rs.6000/- received by her for the children, does not seem to be sufficient enough for respectable upbringing of the children taking into consideration the status of both the parties.

Considering all the circumstances, we are of the opinion that the respondent-husband, being an able bodied skilled person, having financial benefits of the transport business income of his mother, who is staying with him, can be required to pay additional amount in proceedings under Section 24 of the Hindu Marriage Act, for enabling her for bringing up both the children in proper manner commensurate with the status of both of them.

It is not out of place to observe here that respondent-husband, present in the Court, has not shown any reluctance to voluntarily pay the money for upbringing of the children.

Application under Section 24 of the Hindu Marriage Act is allowed. It is ordered that the appellant-wife will be entitled to a sum of Rs.20,000/- per month with effect from the date of application i.e. August,

2018 besides litigation expenses of Rs.55,000/- payable by the respondent-husband. A sum of Rs.6000/- already ordered by the Court in proceedings under Section 125 Cr.P.C, will be adjustable against the amount of Rs.20,000/-.

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

(M.M.S. BEDI)
JUDGE

September 26, 2018
harsha

(ANUPINDER SINGH GREWAL)
JUDGE