

**Gaurav Sharma Vs Medha Vashishth**

**PRESENT            Mr.K.S.Dadwal, Advocate,  
for the appellant-husband.**

**Mr.A.D.S.Bal, Advocate, (Legal-Aid-Counsel)  
for the respondent-wife.**

The respondent-wife has filed an application under Section 24 of the Hindu Marriage Act, for the grant of maintenance pendent lite @ Rs.20,000/- per month claiming that the appellant-husband is working as a Lecturer in Mechanical Engineering at Mehar Chand Polytechnic College, Jalandhar and is getting salary of Rs.60,000/- per month. It is averred that the appellant-husband is residing with his parents and father of the appellant-husband has retired from Merchant Navy and is getting pension as such, the appellant-husband has no liability. It has been informed that a sum of Rs.12,000/- per month was awarded to the respondent-wife by the Additional District Judge, Hoshiarpur, vide order dated 17.9.2015, in proceedings under Section 24 of the Hindu Marriage Act. She claims that she is earning a sum of Rs.6950/- per month which is not sufficient to make both ends meet.

The appellant-husband has filed the reply bringing it to the notice of this Court that a sum of Rs.12,000/- per month awarded by the lower Court in application under Section 24 of the Hindu Marriage Act, has

been reduced to Rs.7,000/- per month vide order dated 8.2.2018, passed in C.R. No.6465 of 2015. A copy of the order dated 8.2.2018, has been placed on record. It has been urged that the respondent-wife is earning a sum of Rs.6950/- per month. The appellant-husband claims that he is earning only Rs.30,000/- per month and the respondent-wife cannot get any amount beyond the amount awarded by the High Court in above stated revision petition.

We have considered the facts and circumstances of the case. It is an admitted fact that the appellant-husband is earning more than respondent-wife. It is settled principle of law that a wife is entitled to be maintained commensurate with the status of the husband. No doubt the respondent-wife is earning a sum of about Rs.7,000/- per month but mere fact that the wife is earning some amount, will not prejudice her rights to seek maintenance pendente lite in proceedings under Section 24 of the Hindu Marriage Act, especially when she has to suffer on account of husband having filed a divorce petition. The only fact which is to be taken into consideration is the income, if any, being earned by the wife. The amount of Rs.7,000/- awarded to the respondent-wife modifying the order dated 17.9.2015, is required to be enhanced keeping in view the price escalation.

Taking into consideration the above said circumstances, the application under Section 24 of the Hindu Marriage Act is allowed and the respondent-wife is awarded a reasonable sum of Rs.10,000/- per month

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as maintenance pendente lite which will be payable from the date of application i.e. February 2018. A sum of Rs.33,000/- is awarded towards litigation expenses. Sum of Rs.25,000/- earlier paid would be deductible from the amount of litigation expenses awarded today.

For payment of entire arrears of maintenance pendente lite calculated upto 31.10.2018, as well as balance amount of litigation expenses, to come up on 29.10.2018.

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

**July 30, 2018.**  
**raj arora**

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**