

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.246

**CR No.2024 of 2018 (O&M)
Date of decision: 09.09.2019**

Jaswinder Singh

....Petitioner

versus

Kamaldeep Kaur

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ashok Goel, Advocate
for the petitioner.

Mr. A.S. Syan, Advocate
for the respondent.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 19.12.2017 passed by the Additional District Judge, Patiala (for short – the Trial Court) through which the petitioner has been directed to pay Rs.10,000/- per month as interim maintenance to the minor child of the parties.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the petitioner filed a petition under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955, seeking therein dissolution of the marriage of the parties. While such petition was pending, the respondent filed an application seeking therein interim maintenance from the petitioner for herself as also their minor child, who is

in her custody. On the admission of the respondent-wife that she was earning Rs.40,000/- per month, no maintenance was awarded to her. However, the petitioner was directed to pay Rs.10,000/- per month as interim maintenance to the minor child of the parties. Such order is under challenge in the present proceedings.

Learned counsel for the petitioner submits that no interim maintenance is payable by the petitioner to the minor child of the parties as the respondent-wife, in whose custody is the child of the parties, is earning at least Rs.40,000/- per month and therefore, she can very well maintain him.

On the other hand, learned counsel for the respondent submits that keeping in view the salary being received by the respondent-wife, the Trial Court did not award any interim maintenance to her. However, maintenance of the minor child of the parties is the responsibility of both parents and therefore, out of the hefty salary being received by the petitioner, the Trial Court has rightly directed the petitioner to pay Rs.10,000/- per month for maintenance of the minor child of the parties.

There can be no dispute with the proposition that the minor child of the parties, who are litigating for the grant of divorce, is the responsibility of both parties and therefore, even if the respondent-wife is earning, the petitioner-husband cannot be absolved from contributing his share towards the maintenance of his minor child.

The affidavit filed by the petitioner in Court today, which is taken on record, reveals that he is in receipt of gross monthly salary @ Rs.74,758/-. That being so, grant of Rs.10,000/- per month by the petitioner for the maintenance of his minor child, who is 16 years of age and is

presently studying in class 10th is considered to be just and fair.

In view of the above, the present petition is dismissed.

(DEEPAK SIBAL)
JUDGE

September 09, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No