

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3725 of 2018(O&M)
Date of Decision: 16.10.2019

Parveen Sharma

.....Petitioner

Versus

Dipika and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. S.K. Verma, Advocate
for the petitioner.

None for the respondents.

RAJ MOHAN SINGH, J.

[1]. Petitioner has laid challenge to the order dated 27.03.2018 passed by the District Judge, Jhajjar, vide which an application under Section 24 of the Hindu Marriage Act filed by respondent No.1 was allowed, granting an amount of Rs.10,000/- per month as maintenance *pendente lite* in favour of respondent No.1 and minor sons from the date of filing of the application, besides granting an amount of Rs.5000/- towards litigation expenses.

[2]. The couple was blessed with two sons who are school going and are in the custody of respondent No.1. Parties are at

some variance in respect of service of the petitioner i.e. whether he is serving as Deputy Marketing Head (Haryana) with Bhakt Vatsal Enterprises, Bahadurgarh or as a Sales Manager in M/s Kundlas Loh Udyog. Petitioner has relied upon salary certificate showing his monthly income to be Rs.15,000/-. Petitioner has laid much emphasis on the alleged allegation of adultery against respondent No.1, but he has not raised question of paternity in respect of his two minor sons.

[3]. At this stage, allegations and counter allegations made by the parties cannot be appreciated. Grant of maintenance is only to prevent vagrancies and destitution of the wife. At the same time, amount of maintenance should not be such so as to impede the prospects of conciliatory mechanism and may result in profit earning mechanism.

[4]. District Judge, Jhajjar has taken note of the pleadings of the parties and arguments raised before the Court.

[5]. Admittedly, the petitioner is doing a private job in Bahadurgarh. Petitioner has relied upon salary certificate showing his monthly income to be Rs.15,000/- per month. The aforesaid evidence cannot be authenticated at this juncture in the absence of proof of its execution as the same shall be adverted to by the trial Court at the relevant time. For granting maintenance, some guess work has to be done as the husband

is legally and morally bound to maintain his wife. The maintenance can be refused in case wife is living separately with an animus not to return to the matrimonial house and has become unchaste. Allegations at this stage cannot be appreciated for want of evidence.

[6]. In my considered opinion, the award of Rs.10,000/- per month towards maintenance *pendente lite* of respondent No.1 and minor sons cannot be held to be on higher side.

[7]. Looked from any angle, there is no scope for interference in this revision petition. This revision petition is accordingly dismissed.

16.10.2019

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking Yes/No

Whether reportable Yes/No