

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

**CR No.4603 of 2018(O&M)
Date of Decision: 06.05.2019**

Inderjit

....Petitioner

Versus

Mona Yadav

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Vikram Singh Yadav, Advocate
for the petitioner.

Mr. Vishal Thakur, Advocate for
Mr. Sudhir Rana, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. Petitioner has assailed the order dated 09.05.2018 passed by Additional District Judge, Rewari allowing the application under Section 24 of the Hindu Marriage Act thereby granting *ad interim* maintenance to the respondent and to the child @ Rs.20,000/- per month from the date of application and Rs.20,000/- towards litigation expenses.

[2]. The marriage between the parties was solemnized on

19.04.2013 according to Hindu rites and ceremonies. Out of the wedlock, a daughter namely Bhavika took birth on 28.01.2014 who is living in the company of the respondent wife. There is a matrimonial discord between the parties, resulting in filing of petition under Section 13 of the Hindu Marriage Act by the petitioner.

[3]. An application was filed by the respondent under Section 24 of the Hindu Marriage Act. Husband petitioner is serving as Assistant Professor in the Department of Bio-informatics, Punjab Agricultural University, Ludhiana and was drawing gross salary of Rs.52,886/- per month in October 2016. Respondent wife is also serving as Assistant Master (Maths) in Sainik School, Rewari. Her salary w.e.f. April 2018 is approximately Rs.40,000/- per month.

[4]. Learned counsel for the petitioner submitted that the petitioner has cleared arrears of maintenance till the month of March 2019. However, this fact could not be verified by learned counsel for the respondent as the respondent has not attended the Court despite orders dated 20.08.2018, 14.11.2018 and 12.03.2019.

[5]. It will remain debatable issue whether gross salary of the petitioner has also increased after implementation of 7th Pay Commission or not and the financial status as on date.

[6]. Evidently, both the parties are serving. Respondent wife is entitled to live as per status of her husband. Grant of maintenance *pendente lite* is not aimed to enrich any of the spouse, rather the same is made to prevent destitution and vagrancies. Daughter aged about 5 years is living in the company of the respondent. It is the moral obligation of the petitioner to maintain his wife and child. Wife is earning approximately Rs.40,000/- per month, sufficiency of income to maintain herself and the minor would be debatable as they are also entitled to live as per status of husband/petitioner. Maintenance of the child requires day to day expenditure towards health, education and overall personality of the child. Custody issue of the child including maintenance is a dynamic process and it keeps on changing with the passage of time. Increase in the age of the child would require increase in expenses as well. There cannot be any mathematical formula to assess contingent expenses for the welfare and upliftment of the minor prospects in terms of health, education and overall development.

[7]. Even if, it is found that respondent is a working woman and drawing salary of Rs.40,000/- per month approximately, the maintenance of Rs.20,000/- can be fixed for both for health, education and overall development of the child keeping in view

the future prospects of the child and likely expenses to be incurred for living by the wife according to status of husband.

[8]. In view of aforesaid, this revision petition is disposed of.

06.05.2019	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No