IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.5444 of 2017(O&M)
Date of Decision: 25.09.2019

Pooja .....**Petitioner**

Versus

Vijay Grover .....**Respondent**

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

Present: Mr. Vinod K. Kanwal, Advocate for
Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Anuj Balian, Advocate
for the respondent.

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RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 12.04.2017 passed by Additional District Judge, Kurukshetra, vide which the application under Section 24 of the Hindu Marriage Act filed by the petitioner was dismissed.

[2]. The impugned order was passed precisely on the ground that the petitioner wife was earning sufficient income from her parlour and she has not denied her income from the chain of beauty parlours in Kurukshetra. The maintenance was sought by the petitioner husband (respondent herein) and respondent wife (petitioner herein) under Section 24 of the Hindu Marriage Act against each other. A child was born out of

the wedlock on 19.07.2006 and is studying in Wisdom World School, Kurukshetra. There are allegations and counter allegations in respect of earning capacity of both the parties.

[3]. Additional District Judge, Kurukshetra vide the impugned order recorded that the marriage between the parties was solemnized on 18.03.2003 and son namely Lakshay was born on 19.07.2006, who is in care and custody of the petitioner wife. Petitioner and respondent are skilled persons. Both are running beauty parlours. Nothing could be brought on record as to the incapacity of either of the parties to earn his/her livelihood. Petitioner could not deny her income from the beauty parlour and respondent could not deny income of the family from the chain of beauty parlours in Kurukshetra. The Court ultimately found that both of them do not require any financial assistance or maintenance from each other and are litigating with equal financial resources.

[4]. In view of aforesaid facts and circumstances of the case, it shall be the duty of both the spouses to maintain their son equally. The marriage and paternity of the minor son are not in dispute. Though no such final assessment with regard to earning capacity of both the parties can be assessed at this premature stage, but it is certain that a school going child must be incurring expenses to the tune of Rs.8000/- per month

approximately. The expenses of the minor son have to be borne by both the parties equally in view of their financial status.

[5]. In view of above, I tentatively hold that the expenses towards upbringing of the son have to be Rs.8000/- per month for which the respondent is liable to contribute Rs.4000/- per month. The custody issue, if any, cannot be commented upon at this stage, which can be raked up by the respondent in accordance with law. At this stage, an amount of Rs.4000/- shall be borne by the petitioner and the remaining amount of Rs.4000/- shall be contributed by the respondent towards expenses for upbringing of the minor son.

[6]. In view of above, the respondent is liable to pay an amount of Rs.4000/- towards maintenance of the minor son to the petitioner from the date of filing of the application till date and shall keep on paying the same during pendency of the main petition under Section 13 of the Hindu Marriage Act. Thereafter, petitioner or the minor son may take appropriate steps in accordance with law.

[7]. Disposed of.

25.09.2019 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether reasoned/speaking Yes/No

Whether reportable Yes/No