

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6056 of 2018(O&M)
Date of Decision: 08.01.2019

Tajinder Singh

.....Petitioner

Versus

Kirandeep Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rohiteshwar Singh, Advocate
for the petitioner.

Mr. K.S. Rekhi, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 03.08.2018 passed by Additional District Judge, Jalandhar, whereby the application filed by the respondent under Section 24 of the Hindu Marriage Act was allowed. An amount of Rs.10,000/- per month was fixed as maintenance *pendente lite* and an amount of Rs.7000/- was granted as litigation expenses.

[2]. In pursuance of order dated 13.12.2018, both the

parties are present along with their respective counsel. The interaction with the parties did not yield any fruitful result in terms of living together or parting ways.

[3]. Perusal of the record would show that both the parties have levelled allegations and counter-allegations in terms of contracting second marriage. The daughter from the first marriage is residing with her Bua, whereas two children out of said wedlock are living with the mother in the same house, where petitioner is also living in a separate portion.

[4]. The allegations made by both the parties against each other cannot be appreciated at this stage for want of any authenticated material. The earning capacity of the petitioner cannot be determined by any material at this stage. Petitioner is a retired BSF personnel having pension to his credit. It has come on record that he went to Cyprus for business. There are assertions made by the petitioner that the respondent is earning adequate amount from the business of beauty parlour as she had passed beauty parlour course and knew work of beauty parlour and was running beauty parlour and training centre. The exact income from the aforesaid evocation cannot be proved even on notional basis at this stage.

[5]. Evidently, the children out of the present wedlock are studying in B.S.F. Senior Secondary School, Jalandhar Cantt.

Respondent has shown the fee pay-in slip book for the year 2018-19 showing the factum of paying the fee by the respondent for Chahat student of 12th class and Gurmehar Singh student of 9th class.

[6]. Grant of maintenance *pendente lite* is not aimed to enrich any of the spouse, rather the same is made to prevent the destitution and vagrancies. Even if, the respondent is proved to have evocation of beauty parlour, still the upbringing of the minor children would require healthy amount in these days, particularly when both the children are studying in 12th class and 9th class respectively. The award of Rs.10,000/- towards maintenance *pendente lite* cannot be said to be on higher side. Respondent is entitled to live as per status of her husband. The land holding of the petitioner would remain a debatable issue in view of *prima facie* findings recorded by the trial Court and evidence sought to be shown by the respondent during course of hearing. Trial Court would make assessment of fact on the basis of evidence likely to be led by the parties at appropriate stage.

[7]. At this stage, no firm finding of fact can be recorded on this aspect, lest it may prejudice the case of either of the parties. In my considered opinion, the award of Rs.10,000/- as maintenance *pendente lite* and Rs.7000/- towards litigation

expenses cannot be said to be on higher side. This revision
petition is found to be totally devoid of merits and the same is
accordingly dismissed.

08.01.2019
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No