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

**Civil Revision No.6406 of 2018 (O&M)
Date of Decision:08.03.2019**

Amrit Pal Singh

.....Petitioner

Vs

Navneet Pal Kaur

....Respondent

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

Present:Mr. Kiran Kumar, Advocate
for the petitioner.

Ms. Saloni Sharma, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 03.08.2018 passed by the Addl. District Judge/Matrimonial Court, Jalandhar vide which the application filed by the respondent under Section 24 of the Hindu Marriage Act was allowed and an amount of Rs.15,000/- per month was fixed as maintenance *pendente lite* and Rs.10,000/- as litigation expenses.

[2]. Vide order dated 24.09.2018, notice of motion was issued subject to deposit of an amount of Rs.15,000/- by the

petitioner towards litigation expenses in the shape of demand draft payable to the respondent on her appearance. Both the parties were also directed to be present in Court on the adjourned date i.e. 07.12.2018. In due course, the case was adjourned to 01.02.2019 and it was ordered that the amount lying deposited with the Registry be paid to the respondent on proper identification by her counsel. On expiry of validity period of the demand draft, the petitioner was asked to bring the amount in cash. The demand draft dated 28.09.2018 was returned to the petitioner.

[3]. In compliance of the order dated 22.02.2019, today an amount of Rs.15,000/- has been paid to the respondent in Court, who is present in-person and has been duly identified by her counsel.

[4]. Interaction with the parties did not yield any positive response in the context of any amicable resolution of dispute.

[5]. Petitioner has filed petition under Sections 11 and 12 of the Hindu Marriage Act for declaring the marriage between the parties to be null and void by way of decree of nullity. Petitioner has alleged that respondent has not disclosed that her first marriage was still subsisting and there was no decree of divorce obtained by her from her first husband. Petitioner is also a

divorcee. He claimed that his earlier marriage was dissolved by decree of a competent Court. Marriage was solemnized on 12.02.2017 and a daughter took birth on 28.12.2017 from this wedlock.

[6]. Petitioner has also stated that the award of maintenance is on higher side. Minor daughter is under care and custody of the respondent-wife. Petitioner claimed the present marriage to be result of fraud and misrepresentation as the earlier marriage of the respondent with Harpreet Singh was never dissolved by decree of divorce. Petitioner had earlier filed a complaint under Section 494/420 IPC, but to no avail.

[7]. Petitioner further pleaded that earlier he was working in a Software Company in Noida, but now he is not doing any job owing to the conduct of the respondent. He further stated that respondent is a well qualified lady and is earning Rs.15,000/- from teaching and other avocations.

[8]. On the other hand, learned counsel for the respondent stated that merits of the case viz-a-viz. the matrimonial status of the respondent would be gone into by the Court at the relevant stage. At this state, two lives are being pitted against a paltry amount of Rs.15,000/- as maintenance. The respondent could not do any job because of her advance stage of

pregnancy. Petitioner is a man of means.

[9]. I have considered the submissions made by learned counsel for the parties.

[10]. It is a settled principle of law that amount of maintenance has to be paid just to avoid vagrancies and destitution. Respondent is taking care of minor daughter which took birth on 28.12.2017. An amount of Rs.15,000/- for the respondent and her minor daughter cannot be said to be on higher side by any stretch of imagination. Similarly an amount of Rs.10,000/- as litigation expenses awarded by the trial Court cannot be said to be on higher side because petitioner himself has filed a petition under Section 11 and 12 of the Hindu Marriage Act.

[11]. In view of above facts and circumstances of the case, the indulgence granted by the Addl. District Judge, Jalandhar cannot be faulted with. This revision petition is found to be totally devoid of merits and is accordingly dismissed.

March 08, 2019

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No