

261

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

**Civil Revision No.1169 of 2019
Date of Decision: 08.05.2019**

Diksha Kapur

.....Petitioner

Vs

Varun Jagotta

....Respondent

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

Present: Mr. Jaswinder Singh Randhawa, Advocate
for the petitioner.

Mr. Paras Chugh, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition for the modification of order dated 17.01.2019 passed by the Principal Judge, Family Court, Panchkula granting maintenance *pendente lite* of Rs.10,000/- per month and litigation expenses to the tune of Rs.40,000/- under Section 24 of the Hindu Marriage Act.

[2]. Marriage between the parties was solemnized on 06.12.2014 according to the Hindu rites and ceremonies. No child has taken birth from this wedlock. Due to matrimonial discord, the parties are living separately for some time.

Respondent has filed petition under Section 13 of the Hindu Marriage Act for a decree of divorce in the competent Court at Panchkula. Petitioner sought maintenance *pendente lite* and litigation expenses during pendency of the aforesaid petition.

[3]. The trial Court has granted an amount of Rs.10,000/- as maintenance *pendente lite* and Rs.40,000/- as litigation expenses vide the impugned order.

[4]. Respondent is qualified person and is a motion graphic designer in Intelligia Technologies Pvt. Ltd. in Panchkula. As per salary slip, the gross income of the respondent is pleaded to be Rs.85,000/- per month. Petitioner also alleged that the respondent is earning handsome amount from the aforesaid business. As per profile, respondent is a lead motion designer having recommendations from his customers for whom he had done work to their satisfaction. Some of the recommendations are also part of profile which reads as under:-

“Ray McHale: We needed a professional explainer video for our new site so we turned to Varun to deliver. He worked closely with us from the outset to clearly understand the brief and developed a highly professional video. I would highly recommend Varun to anyone looking for similar services.

Veekunth Arora: Well the most simple words to find in dictionary for Varun would be Animation Prodigy. He handles the client with precision of client's needs. I was well satisfied with his

punctuality. Anyone looking for a maestro in explainer videos should not hesitate to give him work.

Karolis Duoba: Varun is truly talented and creative digital artist. We enjoyed working with him and every project done by Varun is overreaching our expectation. He will always surprise you with outstanding and creative work. We were thrilled when our expectations in terms of cost savings and the speed with which we accomplished our goal.

Pushpinder Bagga: Varun is extremely talented and a professional animator. I have worked with Varun on quite a few projects now and he has amazed me with his work, creativity and timely collateral's. It's not just the animation-Varun bring along a full stack skills right from the story boarding to the marketing gigs that can be introduced in the videos. Varun did a lot of impressive designs which included theme based videos, emails, infographics, posters, mockups, 3D render etc – very very impressed. Connecting with him is easy -Skype! See less.”

[5]. Learned counsel for the petitioner submitted that respondent is earning not less than Rs.1.5 lakhs.

[6]. On the other hand, learned counsel for the respondent submitted that the petitioner is a qualified lady having qualification i.e. B.Com, MBA and B.Ed. Petitioner has not worked intentionally so as to extract maintenance from the respondent.

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

[8]. For making assessment in respect of monthly income at this stage, some guess work has to be made for assessing *prima facie* material for the grant of maintenance *pendente lite*. It is a settled principle of law that the husband has moral obligation to maintain his wife, at the same time the maintenance cannot be for undue enrichment of the respondent-wife so as to impede likely re-conciliation in the future. In fact maintenance *pendente lite* is meant to prevent destitution and vagrancies of the wife. It is equally true that the wife is also entitled to lead his life according to the status of her husband. Since the petitioner-wife is a qualified lady, therefore, she is not expected to remain idle to squeeze out the husband.

[9]. Parents of the respondents are getting their pensions as father of the respondent is a retired government officer and his mother has also retired from the government job. *Prima facie* material at this stage arising out from the profile of the respondent would make him liable to pay enhanced maintenance *pendente lite*.

[10]. Keeping in view the facts and over all *prima facie* material on record, I deem it appropriate to increase maintenance *pendente lite* to the tune of Rs.20,000/- per month.

The amount of litigation expenses shall remain the same.

[11]. With the aforesaid modification, this revision petition is disposed of.

May 08, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No