

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

CR-1155-2019 (O&M)

Date of decision: 12.12.2019

Raj Kumar Sharma

...Petitioner

Versus

Reena

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Petitioner with counsel Mr. S.K. Tripathi.

Respondent with counsel Mr. Sanjay Verma.

H.S. MADAAN, J.

In a petition under Section 13 of the Hindu Marriage Act (for short 'the Act') preferred by petitioner Raj Kumar Sharma, aged about 35 years, serving in the Indian Army, against his wife Reena, residing near Govt., School, Gurugram, during the course of proceedings, respondent/wife had filed an application under Section 24 of the Act for grant of maintenance pendente-lite and litigation expenses. That application was disposed of by the trial Court, vide order dated 14.01.2019 and maintenance pendente-lite at the rate of Rs.20,000/- was awarded to the respondent/wife for herself and two minor children from the date of filing of application and Rs.11,000/- as one time litigation expenses.

This order left the husband/respondent aggrieved and he

has approached this Court, by way of filing the present revision petition, notice of which was given to the respondent, who has put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Here, relationship between the parties is admitted. Furthermore, it is not disputed that the husband is serving in the Indian Army, whereas, wife along with two minor children of the parties i.e. a son, aged about 11 years and a daughter, aged about 08 years is putting up at Gurugram. Both the children are stated to be studying in Central School, Gurugram i.e. son in 6th class and daughter in 3rd class. Respondent/wife submits that she does not have any source of income. She has to pay Rs.600 for each of the children as school fee and Rs.900/- each as transportation charges. She is living in a rented accommodation in Ashok Vihar, Ph-1, Gurugram, paying monthly rent of Rs.6000/-. Her kitchen expenses run into Rs.10,000 to 12,000/- per month. The monthly gross salary of the respondent, as per salary certificate, is Rs.44,579/-; total deductions Rs.14,200/- and net payment is Rs.30,577/-.

Learned counsel for the revisionist states that after paying Rs.20,000/- to the respondent/wife for herself and two children, the respondent would be left with a sum of Rs.10,000/- only, to look after himself and his mother, which is very difficult, therefore, the amount of maintenance granted be withdrawn or at least, it should be

decreased. Whereas, learned counsel for the respondent/wife has contended that keeping in view the requirement of the wife and the two minor children of the parties, the amount awarded is bare minimum and this should not be decreased, otherwise, it would be very difficult for the respondent/wife to meet even her basis needs and those of her two children.

After hearing the rival contentions, I find that the purpose behind awarding maintenance pendente-lite is to enable the spouse who is unable to maintain herself to get some amount from the husband for fulfillment of her basis needs in the form of shelter, clothes and three meals. The law is well settled that a husband who is able bodied is liable to maintain his wife, though, he may be a professional beggar. In this case, respondent/wife is not shown to have any source of income. She is shown to be residing in a rented accommodation, paying monthly rent of Rs.6000/-. Copy of rent agreement in that regard has been placed on record. The receipts issued by the bank goes to show that school fee for the children @ Rs.600/- each and transportation charges are also being paid. The children are of growing age. They need to be provided balanced diet for their proper bringing up.

As regards the kitchen expenses, amount of Rs.10,000/- or more would certainly be required for the respondent/wife and two growing children. Therefore, the amount of maintenance granted @ Rs.20,000/- per month can certainly be not labelled to be on higher

side. Admittedly, the revisionist/husband, who is serving in the Indian Army, gets free ration and several other facilities. He is stated to have some landed property also, therefore, he can look after and maintain his mother from the money remaining with him and other resources at his command. The entitlement of respondent/wife to get maintenance for herself and her two children is certainly there. The maintenance awarded cannot be said to be on higher side. The order granting maintenance is detailed, well reasoned and does not suffer from any illegality or infirmity. The revision petition found to be without merit and is dismissed accordingly.

12.12.2019

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No