

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

Sr. No.241

CR No.1377 of 2019

Date of decision: 24.10.2019

Sarita Singh

....Petitioner

versus

Ajeet Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Dhivya Jerath, Advocate
for the petitioner.

Mr. Iqbal Singh Saggu, Advocate
for the respondent.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order 25.01.2019 passed by the Additional Principal Judge, Family Court, Faridabad (for short – the Trial Court) through which the respondent-husband has been directed to pay to the petitioner a sum of Rs.15,000/- per month as interim maintenance under Section 24 of the Hindu Marriage Act, 1955 (for short – the Act) and one time litigation expenses of Rs.7500/-.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the respondent filed a petition under Section 13(1)(i-a)(i-b) of the Act seeking therein divorce from the petitioner-wife. While such petition was pending, the petitioner filed an application under Section 24 of the Act seeking interim maintenance and litigation expenses from the respondent-husband. According to the

petitioner, the respondent was an Ex-serviceman and was owner in possession of agricultural land in village Rori and Bhatel from which he was earning monthly income of more than Rs.1,00,000/-. It was further alleged that the respondent was also doing property consultation business as also milk diary business from which businesses he was earning Rs.2,00,000/- and Rs.1,00,000/- per month respectively. On the basis of the above, the petitioner-wife claimed monthly interim maintenance @ Rs.1,50,000/- and one time litigation expenses @ Rs.55,000/-. In response, the respondent-husband submitted that he was unemployed and had no source of income. He further submitted that the petitioner-wife had taken Rs.25,00,000/- and 4 kgs of gold from the respondent's mother's bank locker and further that the respondent had also withdrawn money from his General Provident Fund and paid the same to his children.

While the above matter was pending, in October 2018, the respondent-husband was reinstated in service as an Inspector in the Haryana Police and from that date was admittedly drawing monthly salary of Rs.68,000/- per month.

After considering the above facts, the Trial Court awarded to the petitioner Rs.15,000/- per month as interim maintenance. One time litigation expenses Rs.7500/- were also granted. Enhancement in the above amounts is sought through the instant petition filed by the petitioner-wife.

Learned counsel for the petitioner submitted that since October 2018, the respondent was serving as an Inspector in the Haryana Police and drawing gross monthly salary @ Rs.68,000/-. It was further submitted that the respondent is owner in possession of agricultural land in village Rori and Bhatel from which he was earning income of more than Rs.1,00,000/-

per month. Therefore, enhancement in the maintenance granted by the Trial Court was sought.

Learned counsel for the respondent-husband admitted that since October, 2018, the respondent was serving as an Inspector in the Haryana Police and drawing monthly salary of Rs.68,000/-. However, it was denied that the respondent owned and possessed any agricultural land.

The respondent's earnings from agricultural land is not proved. However, considering the respondent's monthly income to be Rs.68,000/-, award of Rs.15,000/- per month by the Trial Court is found to be on the lower side especially when two children of the parties aged about 20 and 22 years are admittedly with and dependent on the petitioner-wife. Accordingly, the order of the Trial Court is modified and the petitioner-wife is held entitled to the grant of interim monthly maintenance of Rs.22,000/-. However, the interim maintenance enhanced through this order shall become payable from the date when the respondent was reinstated in service i.e. October 2018.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

October 24, 2019
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No