

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

CR No.2302 of 2019(O&M)

Date of decision: 11.4.2019

Balraj

.....Petitioner

VERSUS

Angrejo

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Amit Kumar Ghosh, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 12.03.2019 (Annexure P-1) passed by the Additional Principal Judge, Family Court, Rohtak whereby application under Section 24 of the Hindu Marriage Act, 1955 (in short 'the Act') for grant of maintenance pendente lite has been allowed and the respondent/applicant has been awarded maintenance at the rate of Rs.8000/- per month.

Counsel for the petitioner would argue that the respondent – wife was awarded maintenance at the rate of Rs.3000/- per month in proceedings under Section 125 Cr.P.C. It is further argued that the Court has wrongly taken into consideration income of the petitioner at Rs.45000/- per month whereas his carry home salary is approximately Rs.39000/- per month.

Counsel for the petitioner has not disputed that the petitioner is a JBT Teacher in Education Department Haryana and his gross salary is

Rs.45000/- per month. Counsel for the petitioner has failed to point out if deductions made out of salary are statutory in nature and benefit thereof is not available to the petitioner in future. In the given circumstances, contention of the petitioner with regard to carry home salary to have become basis for quantifying maintenance pendente lite is not meritorious. The Court has also taken into consideration the maintenance awarded to the respondent under Section 125 Cr.P.C. I do not find an error much less illegality in the impugned order that would call for intervention in exercise of jurisdiction under Article 227 of the Constitution of India.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

APRIL 11, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no