

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.3670 of 2019 (O&M)
Date of Decision.30.05.2019

Vivek

...Petitioner

Vs

Smt. Indoo Yadav and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Dheeraj Chawla, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

The present revision petition is directed against the impugned order whereby in an application under Section 24 of the Hindu Marriage Act, the respondent-wife has been awarded a sum of ₹10,000/- as maintenance pendente lite and ₹11,000/- as litigation expenses.

Learned counsel appearing on behalf of the petitioner-husband submits that the order under challenge is totally erroneous and the maintenance pendente lite awarded is on higher side, as there is no proof of income of the petitioner, which has been noticed by the trial Court but in the penultimate paragraph conjecturally assessed the income as ₹25,000/- and awarded ₹10,000/- as maintenance, though the application was only under Section 24 and not Section 26 of the Hindu Marriage Act. The respondent wife is having degree of Computer Application and drawing a salary of ₹19,000/- and odd amount and the certificate of the employer revealed salary of ₹41,900/-, thus, the order under challenge is not sustainable.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit as admittedly out of marriage, there is a child which is in custody of the wife. Though there is no such prayer under Section 26, amount of maintenance pendent lite awarded under Section 24 can always be construed to be under Section 26. It is pious duty of the husband to look after the wife as well as the minor child. The maintenance pendente lite has to be according to the status. Though the respondent wife has placed on record certain documents but the same do not prove income of the husband. In the absence of any proof, income assessed as ₹25,000/- per month for awarding maintenance, in my view, cannot be said to be a figment of imagination.

In view of aforementioned facts, I do not find any illegality and infirmity in the order under challenge. No ground for interference is made out.

Resultantly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

May 30, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No