

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

**C.R. No.3030 of 2017**

**Date of Decision.01.03.2019**

Seema Sharma

...Appellant

Vs

Manish Bassi

...Respondent

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Ms. Ishma Randhawa, Advocate  
for the appellant.

Mr. Shiv Charan Bhola, Advocate  
for the respondent.

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**AMIT RAWAL J. (ORAL)**

The present revision petition is directed against the impugned order dated 14.02.2017 whereby in a divorce petition filed by the respondent-husband, petitioner-wife has been directed to pay maintenance of ₹4000/- per month to maintain the husband.

Ms. Ishma Randhawa, learned counsel appearing on behalf of the petitioner submitted that the marriage was performed on 22.01.2013 but unfortunately parties did not pull on together and resultantly divorce petition was filed in 2014. Respondent-husband claimed that the petitioner owns and possess immovable property and being engaged as Operation Manager in Bajaj Allianz Life Insurance getting a handsome salary of ₹50,000/- per month and thus, sought maintenance pendente lite as well as litigation expenses. The amount of ₹4000/- per month awarded as maintenance is totally without any reason as the petitioner after having been terminated from service is unfortunately suffering from cancer, thus, requires sufficient amount for treatment. She also explained that the petitioner had also taken

loan from the HDFC Housing Development Limited for purchase of house measuring 256.36 sq. yds and paying installments.

Whereas the respondent-husband is MA in Theatre and Television and is working in the Media and Production as Assistant Director and had been performing in films and serials but unfortunately, petitioner could not lay hand on his income proof, which was intentionally withheld from the notice of the trial Court.

Per contra, Mr. Shiv Charan Bhola, learned counsel appearing on behalf of the respondent supported the impugned order and stated that the husband is idle as he is not earning any livelihood. Section 24 of the Hindu Marriage Act does not debar wife to maintain husband in such circumstances. The gross income of the petitioner is almost ₹2,30,000/-. This fact is evident from the income tax return and the zimni order.

I have heard learned counsel for the parties, appraised the paper book and of the view that no person suffering from cancer would make wrong statement. Be that as it may, it is classic case where the husband, who is MA in Theatre and Television cannot be said to be earning even minimum wages under the Minimum Wages Act. As per aforementioned provisions, minimum wages in Punjab as on today is ₹9,000/- to ₹10,000/- per month. The factum of termination of services of the petitioner is also not in dispute. Even if the wife is earning but owing to sufferance of dreaded disease of cancer, would be in need of sufficient money for treatment. In such circumstances, I am of the view that husband is not entitled to maintenance pendente lite from the petitioner-wife. Both the

parties feigned ignorance whether the divorce petition is still pending or decided.

In view of aforementioned facts and circumstances, the impugned order is set aside and the revision petition is allowed.

**(AMIT RAWAL)**  
**JUDGE**

**March 01, 2019**  
Pankaj\*

Whether Reasoned/Speaking    Yes

Whether Reportable                No