

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

**FAO-7003-2019 (O&M)**

**Date of decision : 28.11.2019**

Gulshan

....Appellant

V/s

Reetu

....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA  
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Munish Kumar Garg, Advocate with  
Mr. Paras Sharma, Advocate for the appellant.

**RAJAN GUPTA J. (ORAL)**

Present appeal is directed against the order passed by trial court granting interim maintenance to the respondent-wife under section 24 of the Hindu Marriage Act. Operative part of the order reads as under:-

*“Under the peculiar circumstances of this case, this Court is of the considered view that ends of justice would meet if the respondent is directed to pay an amount of Rs. 5000/- per month to the applicant/petitioner as maintenance pendente lite from the date of filing of the application besides litigation expenses to the tune of Rs. 11,000/-. With these observations, the application in hand stands allowed.”*

It has been vehemently contended by counsel for the appellant that appellant is a street hawker and cannot pay the huge amount, if calculated from the date of filing of the application.

Heard.

We dispose off the appeal with the direction that appellant shall pay the interim maintenance from the date of order passed by the court below. As

regards the balance amount, appellant shall be at liberty to raise the plea at the

stage of final arguments before the court below. The trial court shall also endeavor to expedite the proceedings and conclude the same preferably within a period of five months.

While passing the order, we are conscious of the fact that we have not issued notice to the respondent. However, as the question of payment of arrears of maintenance from the date of application has been left open and to be decided at the final stage, we feel no necessity to do so.

(RAJAN GUPTA)  
JUDGE

(KARAMJIT SINGH)  
JUDGE

November 28, 2019  
*Ajay*

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |