

In the High Court of Punjab and Haryana at Chandigarh

CR- 68 of 2020 (O&M)
Date of Decision: 9.1.2020

Jitender Singh

---Petitioner

versus

Seema Yadav

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Virendra Rana, Advocate, for the petitioner

Rekha Mittal, J.

Challenge in the present petition has been directed against order dated 18.12.2019 (Annexure P-3) passed by the Principal District Judge, Family Court, Bhiwani whereby application under Section 24 of the Hindu Marriage Act, 1955 (in short “the Act”) filed by respondent, has been allowed and amount of Rs. 20,000/- per month has been awarded towards maintenance pendente lite.

The sole submission made by counsel for the petitioner is that gross salary of the petitioner in November 2019 was approximately Rs. 60,000/- but after deduction, his carry home salary is slightly more than Rs. 27,000/-, therefore, interim maintenance allowed by the Court is on extremely higher side.

Perusal of the impugned order would reveal that the court has assessed maintenance pendente lite by taking into consideration the needs of minor daughter of the parties as well who is a student of 6th standard in St. Xaviers School, Bhiwani and school fee Rs. 3000/- per month and transportation charges Rs. 1200/- per month to be incurred in this regard. The gross salary of the petitioner is approximately Rs. 60,000/- out of which

Rs. 25,000/-towards provident fund subscription, Rs. 2345/- for two other subscriptions and Rs. 1994/- for PLI Premium are being deducted. The only statutory deduction is qua income tax of Rs. 3074/-. In the given circumstances, the petitioner cannot derive any advantage to his contention from other deductions made from his salary to contend that since his carry home salary is Rs. 27,000/- per month, maintenance assessed needs reduction.

Perusal of application for maintenance reveals that in para 5, there are averments with regard to petitioner owning and possessing agricultural land at his native village and earning more than Rs. 25,000/- per month from agriculture. Reply to the application has not been placed on record.

Counsel, in response to a query, is not in a position to say something about agriculture land. As per settled position in law, the respondent-wife is entitle to enjoy the same amenities of life as she would have had she been residing with her husband. Taking a reasonable view, in light of soaring prices of daily necessities of life coupled with educational expenses of daughter of the parties, I do not find any reason to interfere in assessment of maintenance pendente lite.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed in limine. However, nothing stated hereinbefore shall be construed as an expression of opinion on merits of the case.

(Rekha Mittal)
Judge

9.1.2020

PARAMJIT

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