

**106 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CM-12159-CII-2021 in/and
CR-7576-2018 (O&M)
Date of Decision: 29.11.2021**

Harish Kumar

.....Applicant-Petitioner

Versus

Anamika

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Krishan M. Vohra, Advocate,
for the applicant-petitioner.

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MAHABIR SINGH SINDHU. J.

CM-12159-CII-2021

Application to prepone the date of hearing in the main case
which is pending for 19.04.2022.

For the reasons mentioned in the application, the same is
allowed. Main case is taken on today's Board.

Main case

Present revision petition has been filed under Article 227 of the
Constitution for setting aside the impugned order dated 27.09.2018 passed
by learned Family Court, Sirsa, whereby maintenance *pendente lite* of
Rs.7000/- per month along with litigation expenses of Rs.7000/- were
granted to the respondent-wife in a petition pending under Section 12 of the
Hindu Marriage Act, 1955 (for short "the Act").

2. Contends that respondent is getting salary of Rs.52,925/- per
month, therefore, there was no occasion for the learned Family Court to
grant maintenance *pendente lite* in her favour while passing the impugned
order. Also contends that at the time of marriage, respondent did not

disclose about the disease she was suffering and as such a fraud was committed with the petitioner.

3. Heard learned counsel for the petitioner and perused the paper-book.

4. It transpires that marriage between the parties was solemnized on 03.09.2016 as per Hindu rites and ceremonies. They lived together as husband and wife. On account of temperamental differences, respondent left the company of petitioner; as a result thereof, he filed a petition under Section 12(1)(c) of the Act for annulment of the marriage. During the pendency of the above petition, respondent-wife moved an application under Section 24 of the Act for seeking maintenance *pendente lite* @ Rs.30,000/- per month along with litigation expenses to the tune of Rs.22,000/-. Learned Family Court, after hearing both sides, passed the impugned order dated 27.09.2018. Hence, present revision.

5. Concededly, petitioner is working as Senior Software Engineer with Ericsson Private Limited, Noida and getting salary of Rs.73,754/- per month. On the other hand, respondent is also working as Clerk with Punjab National Bank at Noida and getting gross salary of Rs.34510/-per month (P-2). Admittedly, she is suffering from serious ailment.

Paper book reveals that apart from the present proceedings for annulment of marriage, there are other cases pending between the parties, viz:

1. Application under Section 125 of Code of Criminal Procedure;
2. Petition under Section 12 of Protection of Women from Domestic Violence Act, 2005;
3. FIR No. 79 dated 07.12.2017 under Sections 323, 406, 498-A and 506 IPC at Women Police Station Fatehabad;

4. Petition under Section 9 of the Hindu Marriage Act;

Learned Family Court has granted an amount of Rs.7000/- per month as interim maintenance along with litigation expenses to the tune of Rs.7000/- in favour of respondent-wife, who concededly is suffering from serious ailment and residing separately. Thus, in the opinion of this Court, the impugned is legally justified and does not suffer from any illegality warranting interference under Article 227 of the Constitution, at this stage.

6. However, it is clarified that in case there is any change of circumstance(s), the petitioner would be at liberty to take recourse to the remedy in accordance with law for modification of the interim maintenance granted by learned Family Court.

7. At the same time, in view of the pendency of multifarious litigation between the parties, as noticed above, learned Family Court is requested to make sincere efforts for an amicable settlement, if possible, in accordance with law.

8. Dismissed with the observations made above.

9. Pending civil misc. application(s), if any, shall also stand disposed off.

29.11.2021

SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable:	Yes/No