

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-928-2021

Date of Decision: 31.08.2021

Nitesh Bharti

....Petitioner

VS

Charanpreet Kaur

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rajesh Lamba, Advocate and
Ms. Monisha Lamba, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner is the husband. He has sought divorce from the wife-respondent and during the pendency of the proceedings, the wife-respondent has filed an application under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act'). The said application has been allowed and maintenance *pendente-lite* of Rs. 20,000/- per month has been awarded alongwith litigation expenses of Rs. 20,000/-.

Learned counsel for the petitioner submits that the wife-respondent did not come to the Court with clean hands. She concealed the fact that she was also employed and was drawing handsome salary. During the course of hearing of the application, the husband-petitioner brought on record evidence to show that she was employed and earning salary in excess of Rs. 50,000/- per month. Further, she has herself admitted that her services were terminated on 30.05.2020, thus, the Family Court was in error in granting maintenance with effect from the date of the application i.e. 21.10.2019. Further, application under Section 24 of the Act is not for grant of monthly maintenance. The only prayer is for grant of litigation

expenses, travelling expenses and miscellaneous expenses. Thus, the relief granted is beyond the relief claimed.

It may be noted that the findings of the Family Court regarding income of the husband-petitioner have not been challenged. In this view of the matter, it stands established on record that the annual income of the husband-petitioner after deduction of tax is Rs. 13,88,790/-. This means his monthly income is Rs. 1,10,000/- approximately. The salary record of the wife-respondent produced before the Family Court shows that her monthly salary varied between Rs. 58,735/- and Rs. 62,648/-. The same would also be subject to deduction of tax and, thus, accordingly to rough estimate she must be drawing Rs. 50,000/- per month. The law on the subject is that the wife is entitled to maintain her status as she was enjoying as a wife. Thus, an addition of Rs. 20,000/- per month by way of maintenance would enhance her monthly income to Rs. 70,000/- per month whereas the monthly income of the husband- petitioner would be reduced to about Rs. 90,000/-. In my opinion this would balance out equities between the parties. The impugned order, thus, can not be said to be erroneous. The argument that the award should not have been made from the date of the application has to be rejected on the simple ground that w.e.f. 30.05.2020 the wife-petitioner is jobless. If at all it can be said that an excess amount has been awarded to her before she lost her job, the same would compensate her for the period during which she has been jobless, although not fully.

The provision of Section 24 of the Act is for maintenance *pendente lite* and for litigation expenses. The wording thereof provides for monthly payment such sum as the Court deems reasonable having regard to the income of the applicant and the husband. The very purpose of the provision is to ensure that the applicant would be able to lead a comfortable life during the pendency of the

litigation. In view of the statutory provision, the argument that the Family Court has granted relief beyond that was claimed, can not be accepted. Moreover, no objection was raised before the Family Court and, thus, the same can not be raised before the revisional Court, at the first instance.

For the aforementioned reasons, the revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

31.08.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No