

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

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CR-960-2021 (O&M)

Date of decision: 22.11.2021

KULWANT SINGH

..Petitioner

Versus

BALJEET KAUR

..Respondent

CR-2368-2021 (O&M)

BALJEET KAUR

..Petitioner

Versus

KULWANT SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Onkar Rai, Advocate
for the petitioner (Kulwant Singh).

Mr. Kushagra Mahajan, Advocate
for the petitioner (Baljeet Kaur).

ANIL KSHETARPAL, J (Oral)

By this order, CR No.960 and 2368 of 2021 shall stand disposed
of.

The Family Court has directed the husband to pay maintenance
pendente lite @ Rs.15,000/- per month while observing that the wife failed to
produce any material evidence to prove the income of her husband.

Learned counsel representing the petitioner (wife) contends that
the husband is serving as a police constable in Punjab Police and therefore,
his income should be more than Rs.50,000/- per month.

In absence of any material which has neither been placed before

dispose of the revision petition (CR No.2368 of 2021) with a liberty to the petitioner (wife) to file an appropriate application before the Family Court, concerned, along with the relevant material for revising the amount of maintenance pendente lite.

In CR No.960 of 2021, the husband assails the correctness of the order passed by the Family Court directing him to pay maintenance @ Rs.15,000/- per month from the date of her application.

Learned counsel contends that as per Proviso to Section 24 of the Hindu Marriage Act, 1955, the Court is required to assess the maintenance pendente lite within a period of 60 days from the date of service of notice on the wife or the husband, as the case may be.

It is clear that such proviso uses the expression 'as far as possible'. Once the wife files an application for the grant of maintenance pendente lite, the delay in the decision thereof should not be the reason for denial of maintenance to the wife from the date when she filed the application.

In view the aforesaid facts, both the revision petitions are disposed of.

All the pending miscellaneous application(s), if any, are also disposed of.

22.11.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE