

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

CR-1015-2021 (O&M)
Date of decision: 09.12.2021
... Petitioner

SUMATI GULHATI

Versus

PRATEEK BAJAJA

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Ms. Munisha Gandhi, Sr. Advocate with
Mr. Adarsh Dubey, Advocate
Mr. Vaibhav Sharma, Advocate
for the petitioner.

Mr. Piyush Kant Jain, Advocate
for the respondent.

ANIL KSHETARPAL, J.

Through this revision petition filed under Article 227 of the Constitution of India, the wife prays for enhancement of the maintenance granted by the Family Court, in the proceedings under Section 24 of the Hindu Marriage Act, 1955.

The Family Court has directed the husband to pay the maintenance pendente lite @ 30,000/- per month. The petitioner claims that the amount ordered by the Family Court is not sufficient. She claims that her husband (respondent) is earning 10,102.67 Singapore Dollars while working in Google Asia Pacific Ltd., Singapore. The parties have been blessed with a child who is stated to be suffering from hydrocephalus. The husband has

undertaken before the Hon'ble Supreme Court on 20.09.2019 to bear all expenses of the treatment of his son.

The petitioner claims that her monthly expenditure is approximately Rs.2,50,000/- although she resides in an apartment belonging to her mother.

On the other hand, the husband claims that though he is getting monthly salary of 10,102.67 Singapore Dollars but he is paying monthly rent and income tax @ 3200 and 1583 Singapore Dollars, respectively.

It is noted here that the wife is also highly educated. She used to work in various multinational companies and was earning good salary. It is the case of the husband that she is running a boutique under the name of Dharni/Attire Boutique at Jammu. The petitioner does not dispute this fact however, claims that she is merely a sleeping partner.

Heard learned counsel for the parties at length and with their able assistance perused the paper book.

Learned counsel for the parties have relied upon the various judgments passed by the Courts, however, in the facts of the present case, this Court does not find it appropriate to discuss the aforesaid precedents relied upon because, at this stage, the question is only of determining the interim maintenance during the pendency of the proceedings pending under Section 13(1)(ia) of the Hindu Marriage Act, 1955.

Learned senior counsel representing the petitioner contends that the husband is earning equivalent to Rs.5,80,000/- per month as the

Singapore Dollar is equivalent to Rs.58/-. She further contends that the son of the parties is suffering from multiple medical problems and the treatment cost, thereof, is at least Rs.50,000/- per month. She further states that the petitioner requires Rs.2,00,000/- per month, to meet her day to day expenditure which includes food, clothing etc.

Per contra, learned counsel for the husband contends that the wife is well educated and is running a boutique. Hence, she is earning sufficient amount.

While adjudicating an application under Section 24 of the Hindu Marriage Act, 1955, the Court is required to take a pragmatic view. There is no straight jacket formula to fix the maintenance. It all depends upon the facts and circumstances of the case. It is not in dispute that the petitioner is residing at Jammu in the apartment owned by her mother measuring 3500 sq. feet. It is also not in dispute that the respondent has already undertaken before the Hon'ble Supreme Court to bear the medical expenses of the child. Although undoubtedly, the husband is earning well while being posted in Singapore, however, the cost of living in Singapore is higher. The husband is already paying a rent @ 3200 Singapore Dollars, per month and income tax @ 1583 Singapore Dollars. Thus, the net income of the respondent gets substantially reduced.

Keeping in view the status of the parties and their income, it is considered appropriate to direct the respondent to pay a sum of Rs.50,000/-, per month, to the wife towards interim maintenance allowance from the date

of application till the pendency of the proceedings before the Family Court.

With these observations, the revision petition is allowed.

All the pending miscellaneous applications, if any, are also disposed of.

09.12.2021

ashok

Whether speaking/reasoned:
Whether reportable:

(ANIL KSHETARPAL)
JUDGE

Yes / No
Yes / No